





LEGISLATIVE ASSEMBLY
OF ONTARIO

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

MARCH 6th to OCTOBER 30th

1947

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No. 1

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting The Trustees of the Toronto House of Industry.

MR. ROBERTS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY THE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 1

1947

BILL

An Act respecting The Trustees of the Toronto House of Industry.

WHEREAS The Trustees of the Toronto House of ^{Preamble.} Industry by its petition has represented that it was incorporated by an Act entitled *An Act to incorporate the House of Industry of Toronto*, being chapter 35 of the Statutes ^{Prov. of Can., 1851, c. 35.} of the Province of Canada, 1851, and that the said Act was amended by an Act entitled *An Act to amend the Act incor-* ^{1887, c. 96.} *porating the Trustees of the Toronto House of Industry*, being chapter 96 of the Statutes of Ontario, 1887; and whereas the petitioner prays that the name of the corporation be changed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The corporate name of "The Trustees of the Toronto House of Industry" is hereby changed to "Laughlen Lodge, Toronto". ^{Corporate name changed.}

2. All real and personal property, trusts, gifts, devises and bequests which have been heretofore held by or made to or shall hereafter be made to or in favour of or intended for, together with all the rights, powers and privileges of The Trustees of the Toronto House of Industry shall be held and enjoyed by Laughlen Lodge, Toronto. ^{Effect of change of name.}

3. This Act may be cited as *The Laughlen Lodge, Toronto, Act, 1947*. ^{Short title.}

BILL

An Act respecting The Trustees of the
Toronto House of Industry.

1st Reading

2nd Reading

3rd Reading

MR. ROBERTS

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting The Trustees of the Toronto House of Industry.

MR. ROBERTS

No. 1

1947

BILL

An Act respecting The Trustees of the Toronto House of Industry.

WHEREAS The Trustees of the Toronto House of ^{Preamble.} Industry by its petition has represented that it was incorporated by an Act entitled *An Act to incorporate the* ^{Prov. of} *House of Industry of Toronto*, being chapter 35 of the Statutes ^{Can., 1851,} of the Province of Canada, 1851, and that the said Act was amended by an Act entitled *An Act to amend the Act incor-* ^{1887, c. 96.} *porating the Trustees of the Toronto House of Industry*, being chapter 96 of the Statutes of Ontario, 1887; and whereas the petitioner prays that the name of the corporation be changed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The corporate name of "The Trustees of the Toronto ^{Corporate name} House of Industry" is hereby changed to "Laughlen Lodge, ^{changed.} Toronto".

2. All real and personal property, trusts, gifts, devises and bequests which have been heretofore held by or made to or ^{Effect of} shall hereafter be made to or in favour of or intended for, ^{change of} together with all the rights, powers and privileges of The Trustees of the Toronto House of Industry shall be held and enjoyed by Laughlen Lodge, Toronto.

3. This Act may be cited as *The Laughlen Lodge, Toronto,* ^{Short title.} Act, 1947.

BILL

An Act respecting The Trustees of the
Toronto House of Industry.

1st Reading

March 13th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. ROBERTS

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Peterborough.

MR. STEWART (Kingston)

(PRIVATE BILL)

No. 2

1947

BILL

An Act respecting the City of Peterborough.

WHEREAS the Corporation of the City of Peterborough Preamble.
by its petition has prayed for special legislation to
confirm an order of the Ontario Municipal Board annexing
part of the Township of North Monaghan to the City of
Peterborough; and whereas it is expedient to grant the prayer
of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Order P.F. B-4942 of the Ontario Municipal Board Annexation
order
dated the 26th day of June, 1946, set out as schedule A hereto, confirmed.
is hereby confirmed.

(2) The said order shall be deemed to have come into Effective
date.
effect on the 1st day of January, 1947.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The City of Peterborough Act*, Short title.
1947.

SCHEDULE A

P.F. B-4942

(Coat-of-Arms)

PROVINCE OF ONTARIO

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 26th day of June, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman,	{	IN THE MATTER OF <i>The Municipal Amendment Act, 1939</i> , 3 Geo. VI Chapter 30, Section 2, and Amending Acts, and
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman,		
W. J. MOORE, Esq., O.L.S.		IN THE MATTER OF the Application by the Corporation of the City of Peterborough for annexation to the City of Peterborough of part of the Township of North Monaghan, in the County of Peterborough.

Upon the application of the Corporation of the City of Peterborough in the presence of:

E. A. OUTRAM, Clerk of the City of Peterborough for the Corporation of the City of Peterborough,

GILBERT MCILMOYLE, Warden for the County of Peterborough for the Corporation of the County of Peterborough, and

BRUCE JOHNSTON, Clerk of the Township of North Monaghan for the Corporation of the Township of North Monaghan,

and in the presence of F. D. Kerr, K.C., solicitor for the Corporation of the County of Peterborough and the Township of North Monaghan, and upon reading By-law Number 4510 of the Council of the Corporation of the City of Peterborough passed on the Sixth day of May, 1946, filed with the Board authorizing an application for annexation of part of the Township of North Monaghan to the City of Peterborough, and the application of the City of Peterborough coming on for hearing before this Board at the office of The Ontario Municipal Board at the City of Toronto on the twenty-sixth day of June, 1946, the Corporation of the Township of North Monaghan and Corporation of the County of Peterborough consenting, and upon being satisfied that public notice of the hearing this day had been given as directed by the Board,

THIS BOARD DOTH ORDER AND PROCLAIM that those parts of the Township of North Monaghan, in the County of Peterborough, described in Schedules "A" and "B" be and the same are hereby annexed to the City of Peterborough and the said annexation shall take effect upon and subject to the following terms and conditions, namely:

1. That the City of Peterborough shall pay to the Corporation of the Township of North Monaghan the sum of Three Hundred Dollars in each and every year during the currency of the School Debentures issued by the Township of North Monaghan in respect of the Township of North Monaghan Public School Area; the first of such yearly payments to be made on the first day of December, 1946. Provided, however, that the

yearly payment of Three Hundred Dollars hereinbefore provided for shall cease to be payable from and after any annexation by the City of Peterborough of the site of the present Public School in the Township of North Monaghan, commonly known as "The Grove School".

2. That the City of Peterborough shall assess the properties in the annexed areas for taxation purposes for the year 1947 at the same time and in the same manner as other assessments are made within the boundaries of the City of Peterborough, for taxes payable for and in the year 1947, and all rates levied on property within the boundaries of the City of Peterborough shall be levied against the properties in these annexed areas in the year 1947 by the City of Peterborough, and shall be payable to the City of Peterborough at the same time and in like manner as all other rates levied in the year 1947.

3. All taxes imposed by the Township in the annexed areas up to December 31st, 1946, and all arrears of taxes in the said annexed areas shall belong to the Township of North Monaghan and any such arrears after December 31st, 1946, shall be payable to and collectible by the Treasurer of the City of Peterborough similar to taxes owing to the City and the Treasurer shall remit such payments to the Clerk of the Township.

4. All rights, title and interest in the Corporation of the Township of North Monaghan, and the Corporation of the County of Peterborough in the highways and streets in the said areas together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the areas so annexed, shall vest in the Corporation of the City of Peterborough.

5. The residents of the areas to be annexed from and after the date fixed by Act of the Legislature confirming this Order shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

6. (a) All that part of the area to be annexed described in Schedule "A" hereto shall constitute and be part of Ward Number Three of the City of Peterborough.

(b) All that part of the area to be annexed described in Schedule "B" hereto shall constitute and be part of Ward Number One of the City of Peterborough.

W. P. NEAR,
Vice-Chairman.

(Seal)
THE ONTARIO MUNICIPAL BOARD

Schedule "A"

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of North Monaghan, in the County of Peterborough and Province of Ontario, and being composed of the following:

Firstly: Those parts of Lots Numbers Nine and Twenty-three, South of Wallis Avenue, according to Registered Plan Number Twenty-nine of the Township of North Monaghan which lie to the West of the Westerly limit of Registered Plan Number One Hundred and Fifty-eight of the City of Peterborough, which said parcel is further described as being all that part of the said lots which lies West of a line drawn parallel with and distant six feet Easterly from the Westerly limits of the said lots.

Secondly: Lots Numbers Ten, Eleven, Twelve, Thirteen, Fourteen and Fifteen North of Hopkins Avenue (now Weller Street) and Lots Numbers Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one and Twenty-two South of Wallis Avenue (now Hopkins Avenue), Lots Numbers Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two and Twenty-three North of Wallis Avenue (now Hopkins Avenue) and parts of Lots Numbers Fourteen, Fifteen and Sixteen West of Ivanhoe Avenue more particularly described as follows: Commencing at the North-west angle of said Lot Number Fourteen; thence Easterly along the Northern limit of said Lot Number Fourteen, forty-seven feet eight inches; thence Southerly parallel to Monaghan Road to the Southern limit of said Lot Number Sixteen; thence Westerly along the Southern limit of said Lot Number Sixteen to the South-west angle thereof; thence Northerly along the Western limits of said Lots Numbers Sixteen, Fifteen and Fourteen to the place of beginning according to said Registered Plan Number Twenty-nine.

Thirdly: The Stewart Sub-division described as Lots A and B according to Registered Plan Number Twenty-nine for the North Monaghan Township.

Fourthly: The lands acquired from Hugh Stewart, Esq., for the Peterborough Civic Hospital and being ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan in the County of Peterborough and the Province of Ontario and being composed of Lots Numbers Eight and Nine and that part of Lot Number Ten according to Registered Plan Number Twenty-three of said Township which lies to the South of the Westerly production of the Southerly limit of Weller Street in the City of Peterborough; which said parcel containing by admeasurement 43.25 acres be the same more or less is shown border in red on plan of survey made by John W. Pierce, Ontario Land Surveyor, and dated January 29th, 1946.

Together with a right-of-way, sixty-six feet in width, in common with others entitled thereto, over that part of the said lot Number Ten lying immediately to the North of the herein described parcel, extending from the Easterly to the Westerly limit of the said Lot, being the Westerly production of the said Weller Street in the City of Peterborough; which said right of way is shown coloured yellow on the said plan of survey.

Schedule "B"

Firstly: ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of North Monaghan, in the County of Peterborough, and being composed of Park Lots Numbers Ten and Eleven in Township Lot Number Thirteen in the Eleventh Concession of the Township of North Monaghan.

Secondly: Together with all those parts of the original road allowance, streets and highways between the Concessions, Township lots and Park lots situate within the areas hereinbefore defined, and between any of the said areas and the City of Peterborough.

BILL

An Act respecting the City of
Peterborough.

1st Reading

2nd Reading

3rd Reading

MR. STEWART (Kingston)

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Peterborough.

MR. STEWART (Kingston)

No. 2

1947

BILL

An Act respecting the City of Peterborough.

WHEREAS the Corporation of the City of Peterborough Preamble.
by its petition has prayed for special legislation to
confirm an order of the Ontario Municipal Board annexing
part of the Township of North Monaghan to the City of
Peterborough; and whereas it is expedient to grant the prayer
of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Order P.F. B-4942 of the Ontario Municipal Board Annexation
order
confirmed.
dated the 26th day of June, 1946, set out as schedule A hereto,
is hereby confirmed.

(2) The said order shall be deemed to have come into Effective
date.
effect on the 1st day of January, 1947.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The City of Peterborough Act*, Short title.
1947.

SCHEDULE A

P.F. B-4942

(Coat-of-Arms)

PROVINCE OF ONTARIO

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 26th day of June, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C.,	{	IN THE MATTER OF <i>The Municipal Amendment Act, 1939</i> , 3 Geo. VI, Chapter 30, Section 2, and Amending Acts, and
Chairman,		
W. P. NEAR, Esq., B.A.Sc.,	{	IN THE MATTER OF the Application by the Corporation of the City of Peterborough for annexation to the City of Peterborough of part of the Township of North Monaghan, in the County of Peterborough.
Vice-Chairman,		
W. J. MOORE, Esq., O.L.S.		

Upon the application of the Corporation of the City of Peterborough in the presence of:

E. A. OUTRAM, Clerk of the City of Peterborough for the Corporation of the City of Peterborough,

GILBERT MCILMOYLE, Warden for the County of Peterborough for the Corporation of the County of Peterborough, and

BRUCE JOHNSTON, Clerk of the Township of North Monaghan for the Corporation of the Township of North Monaghan,

and in the presence of F. D. Kerr, K.C., solicitor for the Corporation of the County of Peterborough and the Township of North Monaghan, and upon reading By-law Number 4510 of the Council of the Corporation of the City of Peterborough passed on the Sixth day of May, 1946, filed with the Board authorizing an application for annexation of part of the Township of North Monaghan to the City of Peterborough, and the application of the City of Peterborough coming on for hearing before this Board at the office of The Ontario Municipal Board at the City of Toronto on the twenty-sixth day of June, 1946, the Corporation of the Township of North Monaghan and Corporation of the County of Peterborough consenting, and upon being satisfied that public notice of the hearing this day had been given as directed by the Board,

THIS BOARD DOth ORDER AND PROCLAIM that those parts of the Township of North Monaghan, in the County of Peterborough, described in Schedules "A" and "B" be and the same are hereby annexed to the City of Peterborough and the said annexation shall take effect upon and subject to the following terms and conditions, namely:

1. That the City of Peterborough shall pay to the Corporation of the Township of North Monaghan the sum of Three Hundred Dollars in each and every year during the currency of the School Debentures issued by the Township of North Monaghan in respect of the Township of North Monaghan Public School Area; the first of such yearly payments to be made on the first day of December, 1946. Provided, however, that the

yearly payment of Three Hundred Dollars hereinbefore provided for shall cease to be payable from and after any annexation by the City of Peterborough of the site of the present Public School in the Township of North Monaghan, commonly known as "The Grove School".

2. That the City of Peterborough shall assess the properties in the annexed areas for taxation purposes for the year 1947 at the same time and in the same manner as other assessments are made within the boundaries of the City of Peterborough, for taxes payable for and in the year 1947, and all rates levied on property within the boundaries of the City of Peterborough shall be levied against the properties in these annexed areas in the year 1947 by the City of Peterborough, and shall be payable to the City of Peterborough at the same time and in like manner as all other rates levied in the year 1947.

3. All taxes imposed by the Township in the annexed areas up to December 31st, 1946, and all arrears of taxes in the said annexed areas shall belong to the Township of North Monaghan and any such arrears after December 31st, 1946, shall be payable to and collectible by the Treasurer of the City of Peterborough similar to taxes owing to the City and the Treasurer shall remit such payments to the Clerk of the Township.

4. All rights, title and interest in the Corporation of the Township of North Monaghan, and the Corporation of the County of Peterborough in the highways and streets in the said areas together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the areas so annexed, shall vest in the Corporation of the City of Peterborough.

5. The residents of the areas to be annexed from and after the date fixed by Act of the Legislature confirming this Order shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

6. (a) All that part of the area to be annexed described in Schedule "A" hereto shall constitute and be part of Ward Number Three of the City of Peterborough.

(b) All that part of the area to be annexed described in Schedule "B" hereto shall constitute and be part of Ward Number One of the City of Peterborough.

W. P. NEAR,
Vice-Chairman.

(Seal)
THE ONTARIO MUNICIPAL BOARD

Schedule "A"

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of North Monaghan, in the County of Peterborough and Province of Ontario, and being composed of the following:

Firstly: Those parts of Lots Numbers Nine and Twenty-three, South of Wallis Avenue, according to Registered Plan Number Twenty-nine of the Township of North Monaghan which lie to the West of the Westerly limit of Registered Plan Number One Hundred and Fifty-eight of the City of Peterborough, which said parcel is further described as being all that part of the said lots which lies West of a line drawn parallel with and distant six feet Easterly from the Westerly limits of the said lots.

Secondly: Lots Numbers Ten, Eleven, Twelve, Thirteen, Fourteen and Fifteen North of Hopkins Avenue (now Weller Street) and Lots Numbers Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one and Twenty-two South of Wallis Avenue (now Hopkins Avenue), Lots Numbers Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two and Twenty-three North of Wallis Avenue (now Hopkins Avenue) and parts of Lots Numbers Fourteen, Fifteen and Sixteen West of Ivanhoe Avenue more particularly described as follows: Commencing at the North-west angle of said Lot Number Fourteen; thence Easterly along the Northern limit of said Lot Number Fourteen, forty-seven feet eight inches; thence Southerly parallel to Monaghan Road to the Southern limit of said Lot Number Sixteen; thence Westerly along the Southern limit of said Lot Number Sixteen to the South-west angle thereof; thence Northerly along the Western limits of said Lots Numbers Sixteen, Fifteen and Fourteen to the place of beginning according to said Registered Plan Number Twenty-nine.

Thirdly: The Stewart Sub-division described as Lots A and B according to Registered Plan Number Twenty-nine for the North Monaghan Township.

Fourthly: The lands acquired from Hugh Stewart, Esq., for the Peterborough Civic Hospital and being ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan in the County of Peterborough and the Province of Ontario and being composed of Lots Numbers Eight and Nine and that part of Lot Number Ten according to Registered Plan Number Twenty-three of said Township which lies to the South of the Westerly production of the Southerly limit of Weller Street in the City of Peterborough; which said parcel containing by admeasurement 43.25 acres be the same more or less is shown border in red on plan of survey made by John W. Pierce, Ontario Land Surveyor, and dated January 29th, 1946.

Together with a right-of-way, sixty-six feet in width, in common with others entitled thereto, over that part of the said lot Number Ten lying immediately to the North of the herein described parcel, extending from the Easterly to the Westerly limit of the said Lot, being the Westerly production of the said Weller Street in the City of Peterborough; which said right of way is shown coloured yellow on the said plan of survey.

Schedule "B"

Firstly: ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of North Monaghan, in the County of Peterborough, and being composed of Park Lots Numbers Ten and Eleven in Township Lot Number Thirteen in the Eleventh Concession of the Township of North Monaghan.

Secondly: Together with all those parts of the original road allowance, streets and highways between the Concessions, Township lots and Park lots situate within the areas hereinbefore defined, and between any of the said areas and the City of Peterborough.

BILL

An Act respecting the City of
Peterborough.

1st Reading

March 13th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. STEWART (Kingston)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Dundas.

MR. KNOWLES

(PRIVATE BILL)

BILL

An Act respecting the Town of Dundas.

WHEREAS the Corporation of the Town of Dundas ^{Preamble.} by its petition has prayed for special legislation in respect of the celebration of the centenary of the incorporation of the Town of Dundas, it having been incorporated by an Act entitled *An Act to incorporate the Town of Dundas*, being ^{1847, c. 45.} chapter 45 of the Statutes of the Province of Canada, 1847; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation of the Town of Dundas may appropriate and expend the sum of \$7,000 out of ^{Power to expend \$7,000 for centenary celebration.} the current revenues of the Corporation in celebration of the centenary of the incorporation of the Town of Dundas and may by resolution provide that the control and expenditure of the said sum or any part thereof shall be entrusted to and vested in a special committee appointed by the council and composed of such ratepayers or residents of the Town of Dundas as the council may appoint, with power to the committee in the name of the Corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the committee.

(2) Notwithstanding the provisions of subsection 1, if the ^{Reserve of \$3,000.} committee expends more than \$7,000 the council may pay additional sums not exceeding \$3,000 out of the current revenues, which amount shall be held by the council in reserve for such eventuality.

(3) The net revenues derived by the committee from the ^{Revenues to be paid to clerk.} celebration and any surplus goods or equipment shall be paid over or given to the clerk of the Town of Dundas and such revenues should form part of the current revenues of the Corporation.

**Commence-
ment of Act.** **2.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **3.** This Act may be cited as *The Town of Dundas Act, 1947*

NO. 2

BILL

An Act respecting the Town of Dundas.

1st Reading

2nd Reading

3rd Reading

MR. KNOWLES

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Dundas.

MR. KNOWLES

BILL

An Act respecting the Town of Dundas.

WHEREAS the Corporation of the Town of Dundas ^{Preamble.} by its petition has prayed for special legislation in respect of the celebration of the centenary of the incorporation of the Town of Dundas, it having been incorporated by an Act entitled *An Act to incorporate the Town of Dundas*, being ^{1847, c. 45.} chapter 45 of the Statutes of the Province of Canada, 1847; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation of the Town of Dundas may appropriate and expend the sum of \$7,000 out of ^{Power to expend \$7,000 for centenary celebration.} the current revenues of the Corporation in celebration of the centenary of the incorporation of the Town of Dundas and may by resolution provide that the control and expenditure of the said sum or any part thereof shall be entrusted to and vested in a special committee appointed by the council and composed of such ratepayers or residents of the Town of Dundas as the council may appoint, with power to the committee in the name of the Corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the committee.

(2) Notwithstanding the provisions of subsection 1, if the ^{Reserve of \$3,000.} committee expends more than \$7,000 the council may pay additional sums not exceeding \$3,000 out of the current revenues, which amount shall be held by the council in reserve for such eventuality.

(3) The net revenues derived by the committee from the celebration and any surplus goods or equipment shall be paid ^{Revenues to be paid to clerk.} over or given to the clerk of the Town of Dundas and such revenues should form part of the current revenues of the Corporation.

**Commence-
ment of Act.** **2.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **3.** This Act may be cited as *The Town of Dundas Act, 1947*.

BILL

An Act respecting the Town of Dundas.

1st Reading

March 13th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. KNOWLES

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Sioux Lookout General Hospital.

MR. DOCKER

(PRIVATE BILL)

BILL

An Act respecting the Sioux Lookout General Hospital.

WHEREAS the Corporation of the Town of Sioux Lookout ^{Preamble.}
out by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The Corporation of the Town of Sioux Lookout is ^{General hospital.}
hereby authorized to operate and maintain a general hospital
in the Town of Sioux Lookout and for such purposes to acquire
such land or interest in land or other property and to acquire,
erect, equip, furnish and maintain such buildings as it may
from time to time consider necessary to properly carry out
the efficient operation of a general hospital and to provide
funds for such purposes by imposing rates on all the taxable
property in the Town of Sioux Lookout.

(2) The said Corporation is hereby authorized to enter into ^{Lease of hospital lands authorized.}
a lease of the premises now occupied by the Sioux Lookout
General Hospital with His Majesty in right of Canada, act-
ing by the Honourable the Minister of Transport for such
period of time at such rental and on such terms and conditions
as may be approved by a majority of all the members of the
council at a meeting thereof called for the purpose of con-
sidering such lease.

(3) All the property and assets of the Sioux Lookout ^{Hospital assets vested in Town Corporation.}
General Hospital shall, upon the passing of this Act, be vested
in the Corporation of the Town of Sioux Lookout and the
said Corporation shall pay and satisfy all lawful debts and
liabilities of the Sioux Lookout General Hospital and the
amount of such debts and liabilities shall forthwith after the
passing of this Act be fixed and ascertained by the auditor of
the said Corporation.

Board of
governors.

2.—(1) The management and control of the hospital, including the power of making all appointments to the staff thereof, shall be vested in and exercised by a board of six governors constituted as follows: the mayor of the Corporation shall *ex officio* be a governor; one governor shall be appointed in accordance with the regulations made pursuant to *The Public Hospitals Act*; and the remaining four governors shall be appointed by the council from the resident ratepayers of the Town.

Rev. Stat.,
c. 390.

Term of
office.

(2) The governors shall remain in office until their successors are appointed when they shall cease to be governors unless re-appointed for such office.

Idem.

(3) The mayor shall cease to be a governor at the end of the year for which he was elected mayor or at such earlier date as he may cease to be a member of the council.

Idem.

(4) The term of office of the four governors appointed from the resident ratepayers of the Town shall, in the first instance, be regulated as follows: two of such governors shall hold office until the end of the first year after the year of their appointment; two of such governors shall hold office until the end of the second year after the year of their appointment, and the council of the Corporation shall, thereafter, so often as the office of a governor becomes vacant, appoint a successor thereto, who shall hold office for a term of two years, and until his successor is appointed.

Time of
appointment.

(5) The governors, other than those appointed to the first board shall be appointed in the month of January in each year in which an appointment is to be made.

Re-appoint-
ment.

(6) A governor whose term of office has expired shall be eligible for re-appointment.

Vacancies.

(7) Whenever, from any cause, the office of an appointed governor becomes vacant prior to the expiration of his term of office, the council shall without unnecessary delay appoint a successor so as to keep the membership of the board up to the full number of six, and the person so appointed shall hold office for the remainder of the term of the governor whose place he is appointed to fill.

Quorum.

(8) Four members shall constitute a quorum of the board.

Absence
from
meetings.

(9) Any member of the board appointed by the council who is absent from four successive regular meetings of the board shall cease to be a member of the board unless he has obtained leave of absence from the council.

3. The board shall be a body corporate and politic under the name of "The Sioux Lookout General Hospital Board" and by that name shall have perpetual succession and a corporate seal and may under that name sue and be sued and shall have all the powers and privileges conferred upon it by this Act and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of its objects. ^{Incorporation of board.}

4.—(1) The board shall have control over, and the custody of, all property, both real and personal, belonging to or used in connection with the hospital and shall have power to sell or otherwise dispose of personal property to an amount not exceeding \$1,000 at one time, when no longer required for the purposes of the hospital. ^{Powers of board.}

(2) The board may from time to time purchase supplies and may engage and pay officers, servants and workmen, for the purposes of the hospital, and may make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditure shall be made, or entered into, unless money shall have been appropriated by the council and be available for such purpose. ^{Idem. Proviso.}

(3) Subject to subsection 2, the board shall have power to fix all salaries and wages to be paid to the medical and other superintendents and to their assistants and clerks and to all other officers and servants of the board. ^{Staff salaries.}

5.—(1) The board shall on or before the 1st day of February in each year prepare and certify to the council for its consideration an estimate of the expenditures proposed to be made in connection with the hospital during the year. ^{Estimates.}

(2) The council shall, in each year, assess and levy, by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimates as are approved by the council. ^{Special annual rate.}

(3) Nothing contained in subsections 1 and 2 shall relieve the Corporation of the Town from any liability under *The Public Hospitals Act*. ^{Rev. Stat., c. 360, not affected.}

6.—(1) All monies received by the board or by the superintendent of the hospital for the uses thereof, shall be deposited in a special account, to be kept in the name of the board in a chartered bank in the Town of Sioux Lookout. ^{Disposition of monies.}

(2) All cheques drawn upon the said account shall be signed by such officer or officers as the board may designate and appoint for that purpose. ^{Signing of cheques.}

Auditor.

(3) The auditor of the Corporation of the Town shall audit annually, and at such other times as he may be directed by the council, the books of account and the expenditures and revenue of the hospital, and he shall prepare and submit to the council in the month of January in each year a report showing the receipts and expenditures made by or on behalf of, the hospital, during the preceding year, and the assets and liabilities of the hospital, and the auditor shall also report to the council upon any expenditures made by the board contrary to law or contrary to this Act, and he shall supervise and determine, from time to time, the methods of bookkeeping and accounting to be employed in connection with the hospital.

Property
vested in
Town Cor-
poration.

7. All real or personal property, now or hereafter acquired by the board shall be and is hereby vested in the Corporation of the Town of Sioux Lookout.

Acquisition
of property.

8. The Corporation of the Town of Sioux Lookout and the board, respectively, shall be capable of receiving and taking from any government, Dominion or Provincial, or from any person or body corporate, by grant, gift, demise or otherwise, any land or interest in land without licence in mortmain, and any personal property for the use, support and purposes of the hospital, and all persons and bodies corporate shall have full and unrestricted right and power to give, grant and bequeath to the Corporation and to the board any land or interest in land, and any personal property, for such use, support or purpose.

Recovery
of charges.

9. The board shall be entitled to recover from a patient other than one who is unable, by reason of poverty, to pay for the same, the charges fixed by the board for treatment in the hospital, and in case of his death while in the hospital, his executor or administrator shall be liable for his burial expenses.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Sioux Lookout General Hospital Act, 1947*.

BILL

An Act respecting the Sioux Lookout
General Hospital.

1st Reading

March 13th, 1947

2nd Reading

3rd Reading

MR. DOCKER

(*Private Bill*)

No. 4

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Sioux Lookout General Hospital.

MR. DOCKER

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Sioux Lookout General Hospital.

WHEREAS the Corporation of the Town of Sioux Lookout ^{Preamble.} out by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation of the Town of Sioux Lookout is hereby authorized to operate and maintain a general hospital ^{General hospital.} in the Town of Sioux Lookout and for such purposes to acquire such land or interest in land or other property and to acquire, erect, equip, furnish and maintain such buildings as it may from time to time consider necessary to properly carry out the efficient operation of a general hospital and to provide funds for such purposes by the issue, subject to the approval of the Ontario Municipal Board, of debentures of the Corporation of the Town of Sioux Lookout or by imposing rates on all the taxable property in the Town of Sioux Lookout.

(2) The said Corporation is hereby authorized to enter into a lease of the premises now occupied by the Sioux Lookout General Hospital with His Majesty in right of Canada, acting by the Honourable the Minister of Transport for such period of time at such rental and on such terms and conditions as may be approved by a majority of all the members of the council at a meeting thereof called for the purpose of considering such lease. ^{Lease of hospital lands authorized.}

(3) All the property and assets of the Sioux Lookout General Hospital shall, upon the passing of this Act, be vested in the Corporation of the Town of Sioux Lookout and the said Corporation shall pay and satisfy all lawful debts and liabilities of the Sioux Lookout General Hospital and the amount of such debts and liabilities shall forthwith after the passing of this Act be fixed and ascertained by the auditor of the said Corporation. ^{Hospital assets vested in Town Corporation.}

Board of
governors.

2.—(1) The management and control of the hospital, including the power of making all appointments to the staff thereof, shall be vested in and exercised by a board of six governors constituted as follows: the mayor of the Corporation shall *ex officio* be a governor; one governor shall be appointed in accordance with the regulations made pursuant to *The Public Hospitals Act*; and the remaining four governors shall be appointed by the council from the resident ratepayers of the Town.

Rev. Stat.,
c. 390.

Term of
office.

(2) The governors shall remain in office until their successors are appointed when they shall cease to be governors unless re-appointed for such office.

Idem.

(3) The mayor shall cease to be a governor at the end of the year for which he was elected mayor or at such earlier date as he may cease to be a member of the council.

Idem.

(4) The term of office of the four governors appointed from the resident ratepayers of the Town shall, in the first instance, be regulated as follows: two of such governors shall hold office until the end of the first year after the year of their appointment; two of such governors shall hold office until the end of the second year after the year of their appointment, and the council of the Corporation shall, thereafter, so often as the office of a governor becomes vacant, appoint a successor thereto, who shall hold office for a term of two years, and until his successor is appointed.

Time of
appoint-
ment.

(5) The governors, other than those appointed to the first board shall be appointed in the month of January in each year in which an appointment is to be made.

Re-appoint-
ment.

(6) A governor whose term of office has expired shall be eligible for re-appointment.

Vacancies.

(7) Whenever, from any cause, the office of an appointed governor becomes vacant prior to the expiration of his term of office, the council shall without unnecessary delay appoint a successor so as to keep the membership of the board up to the full number of six, and the person so appointed shall hold office for the remainder of the term of the governor whose place he is appointed to fill.

Quorum.

(8) Four members shall constitute a quorum of the board.

Absence
from
meetings.

(9) Any member of the board appointed by the council who is absent from four successive regular meetings of the board shall cease to be a member of the board unless he has obtained leave of absence from the council.

3. The board shall be a body corporate and politic under the name of "The Sioux Lookout General Hospital Board" and by that name shall have perpetual succession and a corporate seal and may under that name sue and be sued and shall have all the powers and privileges conferred upon it by this Act and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of its objects. ^{Incorporation of board.}

4.—(1) The board shall have control over, and the custody of, all property, both real and personal, belonging to or used in connection with the hospital and shall have power to sell or otherwise dispose of personal property to an amount not exceeding \$1,000 at one time, when no longer required for the purposes of the hospital. ^{Powers of board.}

(2) The board may from time to time purchase supplies and may engage and pay officers, servants and workmen, for the purposes of the hospital, and may make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditure shall be made, or entered into, unless money shall have been appropriated by the council and be available for such purpose. ^{Idem. Proviso.}

(3) Subject to subsection 2, the board shall have power to fix all salaries and wages to be paid to the medical and other superintendents and to their assistants and clerks and to all other officers and servants of the board. ^{Staff salaries.}

5.—(1) The board shall on or before the 1st day of February in each year prepare and certify to the council for its consideration an estimate of the expenditures proposed to be made in connection with the hospital during the year. ^{Estimates.}

(2) The council shall, in each year, assess and levy, by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimates as are approved by the council. ^{Special annual rate.}

(3) Nothing contained in subsections 1 and 2 shall relieve the Corporation of the Town from any liability under *The Public Hospitals Act*. ^{Rev. Stat., c. 360, not affected.}

6.—(1) All monies received by the board or by the superintendent of the hospital for the uses thereof, shall be deposited in a special account, to be kept in the name of the board in a chartered bank in the Town of Sioux Lookout. ^{Disposition of monies.}

(2) All cheques drawn upon the said account shall be signed by such officer or officers as the board may designate and appoint for that purpose. ^{Signing of cheques.}

Auditor.

(3) The auditor of the Corporation of the Town shall audit annually, and at such other times as he may be directed by the council, the books of account and the expenditures and revenue of the hospital, and he shall prepare and submit to the council in the month of January in each year a report showing the receipts and expenditures made by or on behalf of, the hospital, during the preceding year, and the assets and liabilities of the hospital, and the auditor shall also report to the council upon any expenditures made by the board contrary to law or contrary to this Act, and he shall supervise and determine, from time to time, the methods of bookkeeping and accounting to be employed in connection with the hospital.

Property vested in Town Corporation.

7. All real or personal property, now or hereafter acquired by the board shall be and is hereby vested in the Corporation of the Town of Sioux Lookout.

Acquisition of property.

8. The Corporation of the Town of Sioux Lookout and the board, respectively, shall be capable of receiving and taking from any government, Dominion or Provincial, or from any person or body corporate, by grant, gift, demise or otherwise, any land or interest in land without licence in mortmain, and any personal property for the use, support and purposes of the hospital, and all persons and bodies corporate shall have full and unrestricted right and power to give, grant and bequeath to the Corporation and to the board any land or interest in land, and any personal property, for such use, support or purpose.

Recovery of charges.

9. The board shall be entitled to recover from a patient other than one who is unable, by reason of poverty, to pay for the same, the charges fixed by the board for treatment in the hospital, and in case of his death while in the hospital, his executor or administrator shall be liable for his burial expenses.

Hospital corporation dissolved.

10. The Sioux Lookout General Hospital, a corporation incorporated under *The Companies Act* by letters patent dated the 15th day of January, 1923, is hereby dissolved.

Commencement of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Sioux Lookout General Hospital Act, 1947*.

BILL

An Act respecting the Sioux Lookout
General Hospital.

1st Reading

March 13th, 1947

2nd Reading

3rd Reading

MR. DOCKER

*(Reprinted as amended by the Committee on
Private Bills.)*

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Sioux Lookout General Hospital.

MR. DOCKER

BILL

An Act respecting the Sioux Lookout General Hospital.

WHEREAS the Corporation of the Town of Sioux Lookout by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation of the Town of Sioux Lookout is hereby authorized to operate and maintain a general hospital in the Town of Sioux Lookout and for such purposes to acquire such land or interest in land or other property and to acquire, erect, equip, furnish and maintain such buildings as it may from time to time consider necessary to properly carry out the efficient operation of a general hospital and to provide funds for such purposes by the issue, subject to the approval of the Ontario Municipal Board, of debentures of the Corporation of the Town of Sioux Lookout or by imposing rates on all the taxable property in the Town of Sioux Lookout.

General hospital.

(2) The said Corporation is hereby authorized to enter into a lease of the premises now occupied by the Sioux Lookout General Hospital with His Majesty in right of Canada, acting by the Honourable the Minister of Transport for such period of time at such rental and on such terms and conditions as may be approved by a majority of all the members of the council at a meeting thereof called for the purpose of considering such lease.

Lease of hospital lands authorized.

(3) All the property and assets of the Sioux Lookout General Hospital shall, upon the passing of this Act, be vested in the Corporation of the Town of Sioux Lookout and the said Corporation shall pay and satisfy all lawful debts and liabilities of the Sioux Lookout General Hospital and the amount of such debts and liabilities shall forthwith after the passing of this Act be fixed and ascertained by the auditor of the said Corporation.

Hospital assets vested in Town Corporation.

Board of
governors.

2.—(1) The management and control of the hospital, including the power of making all appointments to the staff thereof, shall be vested in and exercised by a board of six governors constituted as follows: the mayor of the Corporation shall *ex officio* be a governor; one governor shall be appointed in accordance with the regulations made pursuant to *The Public Hospitals Act*; and the remaining four governors shall be appointed by the council from the resident ratepayers of the Town.

Rev. Stat.,
c. 390.

Term of
office.

(2) The governors shall remain in office until their successors are appointed when they shall cease to be governors unless re-appointed for such office.

Idem.

(3) The mayor shall cease to be a governor at the end of the year for which he was elected mayor or at such earlier date as he may cease to be a member of the council.

Idem.

(4) The term of office of the four governors appointed from the resident ratepayers of the Town shall, in the first instance, be regulated as follows: two of such governors shall hold office until the end of the first year after the year of their appointment; two of such governors shall hold office until the end of the second year after the year of their appointment, and the council of the Corporation shall, thereafter, so often as the office of a governor becomes vacant, appoint a successor thereto, who shall hold office for a term of two years, and until his successor is appointed.

Time of
appoint-
ment.

(5) The governors, other than those appointed to the first board shall be appointed in the month of January in each year in which an appointment is to be made.

Re-appoint-
ment.

(6) A governor whose term of office has expired shall be eligible for re-appointment.

Vacancies.

(7) Whenever, from any cause, the office of an appointed governor becomes vacant prior to the expiration of his term of office, the council shall without unnecessary delay appoint a successor so as to keep the membership of the board up to the full number of six, and the person so appointed shall hold office for the remainder of the term of the governor whose place he is appointed to fill.

Quorum.

(8) Four members shall constitute a quorum of the board.

Absence
from
meetings.

(9) Any member of the board appointed by the council who is absent from four successive regular meetings of the board shall cease to be a member of the board unless he has obtained leave of absence from the council.

3. The board shall be a body corporate and politic under the name of "The Sioux Lookout General Hospital Board" and by that name shall have perpetual succession and a corporate seal and may under that name sue and be sued and shall have all the powers and privileges conferred upon it by this Act and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of its objects. ^{Incorporation of board.}

4.—(1) The board shall have control over, and the custody of, all property, both real and personal, belonging to or used in connection with the hospital and shall have power to sell or otherwise dispose of personal property to an amount not exceeding \$1,000 at one time, when no longer required for the purposes of the hospital. ^{Powers of board.}

(2) The board may from time to time purchase supplies and may engage and pay officers, servants and workmen, for the purposes of the hospital, and may make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditure shall be made, or entered into, unless money shall have been appropriated by the council and be available for such purpose. ^{Idem. Proviso.}

(3) Subject to subsection 2, the board shall have power to fix all salaries and wages to be paid to the medical and other superintendents and to their assistants and clerks and to all other officers and servants of the board. ^{Staff salaries.}

5.—(1) The board shall on or before the 1st day of February in each year prepare and certify to the council for its consideration an estimate of the expenditures proposed to be made in connection with the hospital during the year. ^{Estimates.}

(2) The council shall, in each year, assess and levy, by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimates as are approved by the council. ^{Special annual rate.}

(3) Nothing contained in subsections 1 and 2 shall relieve the Corporation of the Town from any liability under *The Public Hospitals Act*. ^{Rev. Stat., c. 360, not affected.}

6.—(1) All monies received by the board or by the superintendent of the hospital for the uses thereof, shall be deposited in a special account, to be kept in the name of the board in a chartered bank in the Town of Sioux Lookout. ^{Disposition of monies.}

(2) All cheques drawn upon the said account shall be signed by such officer or officers as the board may designate and appoint for that purpose. ^{Signing of cheques.}

Auditor.

(3) The auditor of the Corporation of the Town shall audit annually, and at such other times as he may be directed by the council, the books of account and the expenditures and revenue of the hospital, and he shall prepare and submit to the council in the month of January in each year a report showing the receipts and expenditures made by or on behalf of, the hospital, during the preceding year, and the assets and liabilities of the hospital, and the auditor shall also report to the council upon any expenditures made by the board contrary to law or contrary to this Act, and he shall supervise and determine, from time to time, the methods of bookkeeping and accounting to be employed in connection with the hospital.

Property vested in Town Corporation.

7. All real or personal property, now or hereafter acquired by the board shall be and is hereby vested in the Corporation of the Town of Sioux Lookout.

Acquisition of property.

8. The Corporation of the Town of Sioux Lookout and the board, respectively, shall be capable of receiving and taking from any government, Dominion or Provincial, or from any person or body corporate, by grant, gift, demise or otherwise, any land or interest in land without licence in mortmain, and any personal property for the use, support and purposes of the hospital, and all persons and bodies corporate shall have full and unrestricted right and power to give, grant and bequeath to the Corporation and to the board any land or interest in land, and any personal property, for such use, support or purpose.

Recovery of charges.

9. The board shall be entitled to recover from a patient other than one who is unable, by reason of poverty, to pay for the same, the charges fixed by the board for treatment in the hospital, and in case of his death while in the hospital, his executor or administrator shall be liable for his burial expenses.

Hospital corporation dissolved.

10. The Sioux Lookout General Hospital, a corporation incorporated under *The Companies Act* by letters patent dated the 15th day of January, 1923, is hereby dissolved.

Commencement of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Sioux Lookout General Hospital Act, 1947*.

NO. 2

BILL

An Act respecting the Sioux Lookout
General Hospital.

1st Reading

March 13th, 1947

2nd Reading

March 31st, 1947

3rd Reading

April 2nd, 1947

MR. DOCKER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to establish The St. Marys High School District.

MR. EDWARDS

(PRIVATE BILL)



No. 5

1947

BILL

An Act to establish The St. Marys High School District.

WHEREAS the Corporation of the Town of St. Marys Preamble. by its petition has prayed for special legislation to establish a high school district of the area comprising the Town of St. Marys, the Township of Blanshard, part of the Township of Downie, part of the Township of Fullarton, all in the County of Perth, part of the Township of East Nissouri in the County of Oxford and part of the Township of West Nissouri in the County of Middlesex; and whereas the said Townships have by resolution agreed, subject to the approval of the respective County Councils, to become part of the said high school district; and whereas the councils of the Counties of Perth, Oxford and Middlesex by resolution approve the request; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the 1st day of January, 1947, the area St. Marys High School District established. comprising the Town of St. Marys, the Township of Blanshard, part of the Township of Downie, part of the Township of Fullarton, all in the County of Perth, part of the Township of East Nissouri in the County of Oxford and part of the Township of West Nissouri in the County of Middlesex, described in greater detail in schedule A hereto, shall be a high school district to be known as The St. Marys High School District.

2. The Board shall be composed of appointed representa- Board,— composition of. tives, two by the Town of St. Marys, two by the Township of Blanshard, one by the Township of Downie, one by the Township of Fullarton, one by the Township of East Nissouri, one by the Township of West Nissouri, one by the St. Marys Public School Board and one by the St. Marys Separate School Board, making its membership ten in all.

Enlargement
of District.

3. Subject to the approval of the Board expressed by resolution, any municipality or part of a municipality may join The St. Marys High School District by passing a resolution so requesting and filing a certified copy thereof with the Board together with a certified copy of the resolution containing the approval of the County concerned, whereupon such municipality or part thereof shall become part of the District and be entitled to appoint one representative to the Board, thus increasing its membership.

Transfer of
assets and
liabilities.

4. The assets of The St. Marys Collegiate Institute Board shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the Board of The St. Marys High School District.

Rev. Stat.,
c. 360 to
apply.

5. Except as provided otherwise in this Act, *The High Schools Act* shall apply to The St. Marys High School District.

Commence-
ment of
Act,—
retrospective
effect.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have come into effect on the 1st day of January, 1947.

Short title.

7. This Act may be cited as *The St. Marys High School District Act, 1947*.

SCHEDULE A

DETAILED DESCRIPTION OF AREA COMPRISING ST. MARYS HIGH SCHOOL DISTRICT

The St. Marys High School District shall include the area of all of the Town of St. Marys, all of the Township of Blanshard, all that part of the Township of Downie south of the road between the 9th and 10th Concessions in the square part of the Township, and all that part of the Gore of Downie west of and including the East Oxford Road Concession and in addition Lots 14, 15, 16 and 17 in the 10th and 11th Concessions of the Gore of Downie, all that part of the Township of Fullarton, being Lots 1, 2 and 3 in Concession 10, Lot 1 in Concession 11, Lots 20 to 30, inclusive, in Concession 18, Lots 18 to 30, inclusive, in Concession 17, Lots 19 to 31, inclusive, in the East Mitchell Road Concession, Lots 19 to 30, inclusive, in the West Mitchell Road Concession, Lots 14 and 15 in Concession 12, Lots 11 to 15, inclusive, in Concession 13, and Lots 10 to 15, inclusive, in Concession 14, all in the County of Perth, all that part of the Township of West Nissouri lying north of the northerly boundary of Lot 18 throughout the whole width of the Township, in the County of Middlesex, all that part of the Township of East Nissouri, being Lots 19 to 36, inclusive, throughout the whole width of the Township, in the County of Oxford.

BILL

An Act to establish The St. Marys
High School District.

1st Reading

2nd Reading

3rd Reading

MR. EDWARDS

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to establish The St. Marys High School District.

MR. EDWARDS

BILL

An Act to establish The St. Marys High School District.

WHEREAS the Corporation of the Town of St. Marys Preamble. by its petition has prayed for special legislation to establish a high school district of the area comprising the Town of St. Marys, the Township of Blanshard, part of the Township of Downie, part of the Township of Fullarton, all in the County of Perth, part of the Township of East Nissouri in the County of Oxford and part of the Township of West Nissouri in the County of Middlesex; and whereas the said Townships have by resolution agreed, subject to the approval of the respective County Councils, to become part of the said high school district; and whereas the councils of the Counties of Perth, Oxford and Middlesex by resolution approve the request; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the 1st day of January, 1947, the area St. Marys High School District established. comprising the Town of St. Marys, the Township of Blanshard, part of the Township of Downie, part of the Township of Fullarton, all in the County of Perth, part of the Township of East Nissouri in the County of Oxford and part of the Township of West Nissouri in the County of Middlesex, described in greater detail in schedule A hereto, shall be a high school district to be known as The St. Marys High School District.

2. The Board shall be composed of appointed representatives, two by the Town of St. Marys, two by the Township of Blanshard, one by the Township of Downie, one by the Township of Fullarton, one by the Township of East Nissouri, one by the Township of West Nissouri, one by the St. Marys Public School Board and one by the St. Marys Separate School Board, making its membership ten in all. Board;— composition of.

Enlargement
of District.

3. Subject to the approval of the Board expressed by resolution, any municipality or part of a municipality may join The St. Marys High School District by passing a resolution so requesting and filing a certified copy thereof with the Board together with a certified copy of the resolution containing the approval of the County concerned, whereupon such municipality or part thereof shall become part of the District and be entitled to appoint one representative to the Board, thus increasing its membership.

Transfer of
assets and
liabilities.

4. The assets of The St. Marys Collegiate Institute Board shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the Board of The St. Marys High School District.

Rev. Stat.,
c. 360 to
apply.

5. Except as provided otherwise in this Act, *The High Schools Act* shall apply to The St. Marys High School District.

Commence-
ment of
Act,—
retrospective
effect.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have come into effect on the 1st day of January, 1947.

Short title.

7. This Act may be cited as *The St. Marys High School District Act, 1947*.

SCHEDULE A

DETAILED DESCRIPTION OF AREA COMPRISING
ST. MARYS HIGH SCHOOL DISTRICT

The St. Marys High School District shall include the area of all of the Town of St. Marys, all of the Township of Blanshard, all that part of the Township of Downie south of the road between the 9th and 10th Concessions in the square part of the Township, and all that part of the Gore of Downie west of and including the East Oxford Road Concession and in addition Lots 14, 15, 16 and 17 in the 10th and 11th Concessions of the Gore of Downie, all that part of the Township of Fullarton, being Lots 1, 2 and 3 in Concession 10, Lot 1 in Concession 11, Lots 20 to 30, inclusive, in Concession 18, Lots 18 to 30, inclusive, in Concession 17, Lots 19 to 31, inclusive, in the East Mitchell Road Concession, Lots 19 to 30, inclusive, in the West Mitchell Road Concession, Lots 14 and 15 in Concession 12, Lots 11 to 15, inclusive, in Concession 13, and Lots 10 to 15, inclusive, in Concession 14, all in the County of Perth, all that part of the Township of West Nissouri lying north of the northerly boundary of Lot 18 throughout the whole width of the Township, in the County of Middlesex, all that part of the Township of East Nissouri, being Lots 19 to 36, inclusive, throughout the whole width of the Township, in the County of Oxford.

BILL

An Act to establish The St. Marys
High School District.

1st Reading

March 13th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. EDWARDS

No. 6

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Fort William. (No. 1)

MR. ANDERSON

(PRIVATE BILL)

No. 6

1947

BILL

An Act respecting the City of Fort William. (No. 1)

WHEREAS the Corporation of the City of Fort William Preamble.
by its petition has represented that under *The City of* 1942, c. 45.
Fort William Act, 1942, the only proceeding has been the
naming of Anglo-Canadian Associates Limited as trustee by
the Ontario Municipal Board; and whereas the said Corpora-
tion does not now intend to re-subdivide the said lands as
provided for in the said Act and desires the said lands to be
revested in those otherwise entitled thereto; and whereas the
said Corporation has prayed for special legislation repealing
the said Act and nullifying its effect; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) *The City of Fort William Act, 1942*, is repealed. 1942, c. 45,
repealed.

(2) The repeal of the said Act shall have the same effect as Effect of
repeal.
if the said Act had not been passed.

(3) The lands defined in the said Act are revested in the Lands
revested.
persons entitled thereto as if the said Act had not been passed.

2. This Act may be cited as *The City of Fort William Act* Short title.
(*No. 1*), 1947.

BILL

An Act respecting the City of
Fort William. (No. 1)

1st Reading

2nd Reading

3rd Reading

MR. ANDERSON

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Fort William.

MR. ANDERSON

BILL

An Act respecting the City of Fort William.

WHEREAS the Corporation of the City of Fort William Preamble.
by its petition has represented that under *The City of* 1942, c. 45.
Fort William Act, 1942, the only proceeding, has been the
naming of Anglo-Canadian Associates Limited as trustee by
the Ontario Municipal Board; and whereas the said Corpora-
tion does not now intend to re-subdivide the said lands as
provided for in the said Act and desires the said lands to be
revested in those otherwise entitled thereto; and whereas the
said Corporation has prayed for special legislation repealing
the said Act and nullifying its effect; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

- 1.—(1) *The City of Fort William Act, 1942*, is repealed. 1942, c. 45,
repealed.
- (2) The repeal of the said Act shall have the same effect as Effect of
repeal.
if the said Act had not been passed.
- (3) The lands defined in the said Act are revested in the Lands
revested.
persons entitled thereto as if the said Act had not been passed.
2. This Act may be cited as *The City of Fort William Act*, Short title.
1947.

BILL

An Act respecting the City of
Fort William.

1st Reading

March 13th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. ANDERSON

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Ottawa.

MR. CHARTRAND

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY THE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1947

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa Preamble.
by its petition has prayed for special legislation with
respect to certain orders of the Ontario Municipal Board
annexing parts of the Township of Nepean to the City of
Ottawa and to enable the Corporation to pass certain by-laws
with respect to the control of the emission of smoke; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order P.F. B-4854 of the Ontario Municipal Board Annexation
Order
P.F. B-4854
validated.
dated the 1st day of March, 1946, set out as schedule A
hereto, is hereby declared to be legal, valid and binding.

2.—(1) Order P.F. B-5890 of the Ontario Municipal Board Annexation
Order
P.F. B-5890
confirmed.
dated the 10th day of January, 1947, set out as schedule B
hereto, is hereby confirmed.

(2) The said order P.F. B-5890 shall be deemed to have Effective
date.
taken effect on the 31st day of December, 1946.

(3) The lands annexed to the City of Ottawa by the said Taxation.
order P.F. B-5890 shall, subject to the exemptions provided
by any Act, be liable to taxation by the Corporation of the
City of Ottawa in the year 1947 and thereafter and shall in
the year 1947 be assessed and entered on the collector's roll
pursuant to section 57 of *The Assessment Act*. Rev. Stat.,
c. 272.

3. The lands annexed to the City of Ottawa by the said Change of
registry
division.
orders P.F. B-4854 and P.F. B-5890 shall be detached from
the Registry Division of the County of Carleton and shall form
part of the Registry Division of the City of Ottawa for the
purposes of *The Registry Act*. Rev. Stat.,
c. 170.

Smoke
by-laws.

4. The council of the Corporation of the City of Ottawa may pass by-laws:

1. For regulating the installation, alteration, maintenance, repair or use of furnaces, incinerators, boilers, chimneys, flues, stacks or other structures, apparatus or devices used in burning fuel or other combustible material or in connection therewith.

2. For prohibiting, except to such extent as the council may determine, or regulating the emission to the atmosphere of smoke, dust, fly ash, soot, fumes or other solid or gaseous product of combustion from the structures, apparatus or devices referred to in paragraph 1.

3. For appointing officers to administer and enforce any by-law passed under paragraph 1 or 2; and for authorizing such officers to enter at all reasonable times upon any property in order to ascertain whether or not the by-law is being complied with; and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the structures, apparatus or devices referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission to the atmosphere of the products of combustion referred to in paragraph 2; and for providing that in the event of failure on the part of the owner, occupant, manager or agent of the property to make such tests or alterations as the officer may specify, the same may be made by the Corporation at the expense of the owner or occupant; and for recovering the expense incurred in so doing in the manner provided by section 524 of *The Municipal Act*.

Rev. Stat.,
c. 266.

4. For establishing a board composed of not more than seven members, of whom not more than one shall be a member of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of the members of the board, the number constituting a quorum, the circumstances under which an appeal shall lie and the procedure relating to appeals.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Ottawa Act, 1947*.

SCHEDULE A

P.F. B-4854.

THE ONTARIO MUNICIPAL BOARD

Friday, the First day of March, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C.,	{	IN THE MATTER of Section 20 of <i>The</i>
Chairman.		<i>Municipal Act</i> (R.S.O. 1937, Chapter 266);
W. P. NEAR, Esq., B.A.Sc.,	{	AND IN THE MATTER OF the applica-
Vice-Chairman, and		tion of the Corporation of the City
W. J. MOORE, Esq., O.L.S.,	{	of Ottawa for the annexation to the
Member.		City of Ottawa of a certain part of
		the Township of Nepean.

UPON THE APPLICATION of the Corporation of the City of Ottawa upon reading the resolution of the Council of the Corporation of the City of Ottawa dated the Fourth day of February, 1946, and notice of such resolution to the Council of the Corporation of the County of Carleton, to the Council of the Corporation of the Township of Nepean and to Veterans Housing Project (Ottawa) Limited, the owner of all the land hereinafter described, and the Corporation of the County of Carleton and the Corporation of the Township of Nepean consenting thereto,

THE BOARD ORDERS under and pursuant to Section 20 of *The Municipal Act* (R.S.O. 1937, Chapter 266), that the following land, namely, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Nepean, County of Carleton, Province of Ontario, and being composed of part of Lot Letter "I", Concession Letter "A", Rideau Front, and being more particularly described as follows:

Commencing at a point on the northerly boundary of Lot Letter "I", being also the southerly limit of Carling Avenue located as follows: Beginning at the northwesterly angle of Lot 68 shown on a plan deposited in the Registry Office for the Registry Division of the County of Carleton as Plan No. 332; thence following the production westerly of the northerly boundary of said registered Plan a distance of 107.5' to a point; thence south 23° 09' east a distance of 8.35' to an iron bar on the southerly limit of Carling Avenue marking the point of commencement aforesaid; thence continuing south 23° 09' east, a distance of 1,090.8' to an iron bar; thence south 58° 19' west, a distance of 1,392.4' to an iron bar; thence north 81° 25' west, a distance of 130.0' more or less, to an iron bar planted in the easterly limit of Merivale Road as widened; thence north 8° 35' east, following the easterly limit of said Merivale Road as widened a distance of 1,290.5' to an iron bar; thence north 32° 56' east, still following said limit of Merivale Road, a distance of 22.5' more or less to an iron bar planted on the said southerly limit of Carling Avenue; thence north 58° 19' east along the southerly limit of Carling Avenue, a distance of 799.1', more or less to the point of commencement; the said parcel or tract of land containing by admeasurement an area of 29.21 acres, more or less; be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS that the said land so annexed shall become part of Elmdale Ward in the City of Ottawa.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the Township of Nepean in respect of the Township's portion of the outstanding general debenture debt of the County the sum of \$317.60, and in respect of the outstanding debenture debt of the Township for school purposes in the school area in which the

said land was situate prior to the said annexation the sum of \$257.56, making a total of \$575.16, and that no other adjustment of assets and liabilities shall be made in connection with the said annexation.

THE BOARD FURTHER ORDERS that the said annexation shall be deemed to have taken effect on and from midnight, the Thirty-first day of December, 1945.

(Seal)

(Signed) W. P. NEAR,
Vice-Chairman.

SCHEDULE B

P.F. B-5890.

THE ONTARIO MUNICIPAL BOARD

Friday, the 10th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman,	{	IN THE MATTER OF Section 23 of <i>The Municipal Act</i> (R.S.O. 1937, Chapter 266, as enacted by Section 2 of Chapter 30, O.S. 1939), and
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman, and		
W. J. MOORE, Esq., O.L.S., Member.		

	{	IN THE MATTER OF the application of the Corporation of the City of Ottawa for the annexation to the City of Ottawa of a certain part of the Township of Nepean.

UPON THE APPLICATION OF the Corporation of the City of Ottawa under Section 23 of *The Municipal Act*, authorized by By-law Number 9693 of the said Corporation passed on the 16th day of September, A.D. 1946, having come on to be heard at a public hearing at the Court House in the City of Ottawa on Friday, the 10th day of January, A.D. 1947, pursuant to an appointment given by the Board, and it appearing that Notice of the said appointment had been published in accordance with the direction of the Board and the Corporation of the County of Carleton and the Corporation of the Township of Nepean consenting thereto and no person appearing in opposition thereto,

THE BOARD ORDERS under and pursuant to Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266, as enacted by Section 2 of Chapter 30, O.S. 1939), that the following land, namely, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Nepean, in the County of Carleton, being composed of parts of Lots lettered "I" and "K", Concession "A", Rideau Front, and including the land shown subdivided on a plan registered in the Registry Office for the Registry Division of the County of Carleton as Plan Number 332, all of which may be more particularly described as follows:—Commencing at a point on the northerly boundary of Lot lettered "I", being also the southerly limit of Carling Avenue, located as follows: Beginning at the northwesterly angle of Lot 68, as shown on said Plan Number 332; thence following the production westerly of the northerly boundary of the lands subdivided by said registered plan a distance of 107.5' to a point; thence south 23° 09' east a distance of 8.35' to an iron bar on the southerly limit of Carling Avenue marking the point of commencement aforesaid; thence continuing south 23° 09' east along the easterly boundary of the lands annexed by Order of Ontario Municipal Board dated March 1, 1946, a distance of 1,090.8' to an iron bar; thence south 58° 19' west a distance of 1,392.4' to an iron bar; thence north 81°.25' west a distance of 130' more or less to an iron bar planted in the easterly limit of the Merivale Road, said point being the southwesterly angle of the lands referred to in said Order of the Ontario Municipal Board; thence south 10° 17' west along the aforesaid limit of the Merivale Road as widened, a distance of 244.2' to an iron bar planted; thence south 8° 04' west following the aforesaid limit of the Merivale Road, a distance of 326.9' to an iron bar planted; thence south 4° 26' west following the said limit of the Merivale Road a distance of 365.2' more or less to an iron bar planted thereon; thence north 59° 15' east, a distance of 379.9' to an iron bar planted in the interior of said Lot "K"; thence south 3° 30' west following an old wire fence being parallel to the easterly limit of the Merivale Road aforesaid, a distance of 412.5' to a point on the northerly boundary of Registered Plan 314, deposited in the Registry Office for the Registry Division of the said County of Carleton, being also the line between the north and south halves of said Lot "K"; thence northeasterly along the aforesaid boundary of

Registered Plan 314 and the northerly boundary of Registered Plan 252, a distance of 2,420.05' more or less to an iron bar planted on the westerly limit of Fisher Avenue; thence continuing northeasterly in a straight line on the production of said last mentioned course a distance of 66' more or less to the easterly limit of Fisher Avenue; thence northerly following the easterly limit of Fisher Avenue a distance of 2,076' more or less to the southerly limit of Carling Avenue; thence southwesterly following the southerly limit of Carling Avenue, a distance of 699.2' more or less to the point of commencement, be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS that the said land so annexed shall become part of Elmdale Ward in the City of Ottawa.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the County of Carleton on or before the 1st day of July in each of the years from 1947 to 1961 inclusive in respect of the debenture debt of the County the amounts respectively set forth after each year in the fourth column of Schedule "A" hereto.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the Township of Nepean on or before the 1st day of July in each of the years from 1947 to 1961 inclusive in respect of the debenture debt of the Township the amounts respectively set forth after each year in the fourth column of Schedule "B" hereto.

THE BOARD RECOMMENDS that the said annexation shall come into force on and from the 31st day of December, 1946.

(Signed) R. S. COLTER,
Chairman.

Schedule "A"

AMOUNT OF COUNTY OF CARLETON DEBENTURE DEBT
CHARGES ASSUMED BY CITY OF OTTAWA IN CONNECTION
WITH ANNEXATION OF LAND FOR SECOND VETERANS'
HOUSING PROJECT AND STEVENSON PLACE.

Year	Interest	Principal	Total
1947.....	\$73.41	\$209.46	\$282.87
1948.....	63.48	204.41	267.89
1949.....	53.82	194.26	248.08
1950.....	44.36	169.40	213.76
1951.....	35.97	107.01	142.98
1952.....	30.36	55.43	85.79
1953.....	27.09	48.97	76.06
1954.....	24.21	51.84	76.05
1955.....	21.18	54.88	76.06
1956.....	17.95	58.10	76.05
1957.....	14.54	61.51	76.05
1958.....	10.93	48.43	59.36
1959.....	8.03	51.33	59.36
1960.....	4.94	54.42	59.36
1961.....	1.67	28.01	29.68
	<u>\$431.94</u>	<u>\$1,397.46</u>	<u>\$1,829.40</u>

Schedule "B"

AMOUNT OF TOWNSHIP OF NEPEAN DEBENTURE DEBT
CHARGES ASSUMED BY CITY OF OTTAWA IN CONNECTION
WITH ANNEXATION OF LAND FOR SECOND VETERANS'
HOUSING PROJECT AND STEVENSON PLACE.

Year	Interest	Principal	Total
1947.....	\$808.90	\$956.79	\$1,765.69
1948.....	760.23	1,004.71	1,764.94
1949.....	709.12	1,056.59	1,765.71
1950.....	655.36	1,109.51	1,764.87
1951.....	598.92	1,166.63	1,765.55
1952.....	539.56	1,054.40	1,593.96
1953.....	485.77	897.52	1,383.29
1954.....	440.79	923.21	1,364.00
1955.....	394.63	969.37	1,364.00
1956.....	346.17	1,017.83	1,364.00
1957.....	295.28	1,068.72	1,364.00
1958.....	241.84	1,122.16	1,364.00
1959.....	185.74	1,178.26	1,364.00
1960.....	126.82	1,237.18	1,364.00
1961.....	64.97	1,299.03	1,364.00
	<u>\$6,654.10</u>	<u>\$16,061.91</u>	<u>\$22,716.01</u>

BILL

An Act respecting the City of Ottawa.

1st Reading

2nd Reading

3rd Reading

MR. CHARTRAND

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Ottawa.

MR. CHARTRAND

(Reprinted as amended by the Committee on Private Bills.)

No. 7

1947

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa Preamble.
by its petition has prayed for special legislation with
respect to certain orders of the Ontario Municipal Board
annexing parts of the Township of Nepean to the City of
Ottawa and to enable the Corporation to pass certain by-laws
with respect to the control of the emission of smoke, and to
enable the Corporation to make a presentation to Barbara
Ann Scott; and whereas it is expedient to grant the prayer
of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order P.F. B-4854 of the Ontario Municipal Board Annexation
Order
P.F. B-4854
validated.
dated the 1st day of March, 1946, set out as schedule A
hereto, is hereby declared to be legal, valid and binding.

2.—(1) Order P.F. B-5890 of the Ontario Municipal Board Annexation
Order
P.F. B-5890
confirmed.
dated the 10th day of January, 1947, set out as schedule B
hereto, is hereby confirmed.

(2) The said order P.F. B-5890 shall be deemed to have Effective
date.
taken effect on the 31st day of December, 1946.

(3) The lands annexed to the City of Ottawa by the said Taxation.
order P.F. B-5890 shall, subject to the exemptions provided
by any Act, be liable to taxation by the Corporation of the
City of Ottawa in the year 1947 and thereafter and shall in
the year 1947 be assessed and entered on the collector's roll
pursuant to section 57 of *The Assessment Act*. Rev. Stat.,
c. 272.

3. The lands annexed to the City of Ottawa by the said Change of
registry
division.
orders P.F. B-4854 and P.F. B-5890 shall be detached from
the Registry Division of the County of Carleton and shall form
part of the Registry Division of the City of Ottawa for the
purposes of *The Registry Act*. Rev. Stat.,
c. 170.

Smoke
by-laws.

4. The council of the Corporation of the City of Ottawa may pass by-laws:

1. For regulating the installation, alteration, maintenance, repair or use of furnaces, incinerators, boilers, chimneys, flues, stacks or other structures, apparatus or devices used in burning fuel or other combustible material or in connection therewith.

2. For prohibiting, except to such extent as the council may determine, or regulating the emission to the atmosphere of smoke, dust, fly ash, soot, fumes or other solid or gaseous product of combustion from the structures, apparatus or devices referred to in paragraph 1.

3. For appointing officers to administer and enforce any by-law passed under paragraph 1 or 2; and for authorizing such officers to enter at all reasonable times upon any property in order to ascertain whether or not the by-law is being complied with; and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the structures, apparatus or devices referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission to the atmosphere of the products of combustion referred to in paragraph 2; and for providing that in the event of failure on the part of the owner, occupant, manager or agent of the property to make such tests or alterations as the officer may specify, the same may be made by the Corporation at the expense of the owner or occupant; and for recovering the expense incurred in so doing in the manner provided by section 524 of *The Municipal Act*.

Rev. Stat.,
c. 266.

4. For establishing a board composed of not more than seven members, of whom not more than one shall be a member of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of the members of the board, the number constituting a quorum and the procedure relating to appeals.

(a) Any person may appeal from the decision of the board of appeals under this paragraph to the Ontario Municipal Board, whose decision shall be final.

Barbara
Ann Scott.

5. The Corporation of the City of Ottawa may expend out of its general revenues for the year 1947 a sum not exceeding \$2,500 for the purpose of making a presentation to Barbara Ann Scott, winner of the women's figure skating championship of the world, in recognition of her outstanding contribution to amateur athletics in Ontario.

6. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commence-}
^{ment of Act.}

7. This Act may be cited as *The City of Ottawa Act, 1947*. ^{Short title.}

SCHEDULE A

P.F. B-4854.

THE ONTARIO MUNICIPAL BOARD

Friday, the First day of March, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman.	{	IN THE MATTER of Section 20 of <i>The Municipal Act</i> (R.S.O. 1937, Chap- ter 266);
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman, and		AND IN THE MATTER OF the applica- tion of the Corporation of the City of Ottawa for the annexation to the City of Ottawa of a certain part of the Township of Nepean.
W. J. MOORE, Esq., O.L.S., Member.		

UPON THE APPLICATION of the Corporation of the City of Ottawa upon reading the resolution of the Council of the Corporation of the City of Ottawa dated the Fourth day of February, 1946, and notice of such resolution to the Council of the Corporation of the County of Carleton, to the Council of the Corporation of the Township of Nepean and to Veterans Housing Project (Ottawa) Limited, the owner of all the land hereinafter described, and the Corporation of the County of Carleton and the Corporation of the Township of Nepean consenting thereto,

THE BOARD ORDERS under and pursuant to Section 20 of *The Municipal Act* (R.S.O. 1937, Chapter 266), that the following land, namely, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Nepean, County of Carleton, Province of Ontario, and being composed of part of Lot Letter "I", Concession Letter "A", Rideau Front, and being more particularly described as follows:

Commencing at a point on the northerly boundary of Lot Letter "I", being also the southerly limit of Carling Avenue located as follows: Beginning at the northwesterly angle of Lot 68 shown on a plan deposited in the Registry Office for the Registry Division of the County of Carleton as Plan No. 332; thence following the production westerly of the northerly boundary of said registered Plan a distance of 107.5' to a point; thence south 23° 09' east a distance of 8.35' to an iron bar on the southerly limit of Carling Avenue marking the point of commencement aforesaid; thence continuing south 23° 09' east, a distance of 1,090.8' to an iron bar; thence south 58° 19' west, a distance of 1,392.4' to an iron bar; thence north 81° 25' west, a distance of 130.0' more or less, to an iron bar planted in the easterly limit of Merivale Road as widened; thence north 8° 35' east, following the easterly limit of said Merivale Road as widened a distance of 1,290.5' to an iron bar; thence north 32° 56' east, still following said limit of Merivale Road, a distance of 22.5' more or less to an iron bar planted on the said southerly limit of Carling Avenue; thence north 58° 19' east along the southerly limit of Carling Avenue, a distance of 799.1', more or less to the point of commencement; the said parcel or tract of land containing by admeasurement an area of 29.21 acres, more or less; be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS that the said land so annexed shall become part of Elmdale Ward in the City of Ottawa.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the Township of Nepean in respect of the Township's portion of the outstanding general debenture debt of the County the sum of \$317.60, and in respect of the outstanding debenture debt of the Township for school purposes in the school area in which the

said land was situate prior to the said annexation the sum of \$257.56, making a total of \$575.16, and that no other adjustment of assets and liabilities shall be made in connection with the said annexation.

THE BOARD FURTHER ORDERS that the said annexation shall be deemed to have taken effect on and from midnight, the Thirty-first day of December, 1945.

(Seal)

(Signed) W. P. NEAR,
Vice-Chairman.

SCHEDULE B

P.F. B-5890.

THE ONTARIO MUNICIPAL BOARD

Friday, the 10th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman,	{	IN THE MATTER OF Section 23 of <i>The Municipal Act</i> (R.S.O. 1937, Chapter 266, as enacted by Section 2 of Chapter 30, O.S. 1939), and
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman, and		
W. J. MOORE, Esq., O.L.S., Member.		IN THE MATTER OF the application of the Corporation of the City of Ottawa for the annexation to the City of Ottawa of a certain part of the Township of Nepean.

UPON THE APPLICATION of the Corporation of the City of Ottawa under Section 23 of *The Municipal Act*, authorized by By-law Number 9693 of the said Corporation passed on the 16th day of September, A.D. 1946, having come on to be heard at a public hearing at the Court House in the City of Ottawa on Friday, the 10th day of January, A.D. 1947, pursuant to an appointment given by the Board, and it appearing that Notice of the said appointment had been published in accordance with the direction of the Board and the Corporation of the County of Carleton and the Corporation of the Township of Nepean consenting thereto and no person appearing in opposition thereto,

THE BOARD ORDERS under and pursuant to Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266, as enacted by Section 2 of Chapter 30, O.S. 1939), that the following land, namely, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Nepean, in the County of Carleton, being composed of parts of Lots lettered "I" and "K", Concession "A", Rideau Front, and including the land shown subdivided on a plan registered in the Registry Office for the Registry Division of the County of Carleton as Plan Number 332, all of which may be more particularly described as follows:—Commencing at a point on the northerly boundary of Lot lettered "I", being also the southerly limit of Carling Avenue, located as follows: Beginning at the northwesterly angle of Lot 68, as shown on said Plan Number 332; thence following the production westerly of the northerly boundary of the lands subdivided by said registered plan a distance of 107.5' to a point; thence south 23° 09' east a distance of 8.35' to an iron bar on the southerly limit of Carling Avenue marking the point of commencement aforesaid; thence continuing south 23° 09' east along the easterly boundary of the lands annexed by Order of Ontario Municipal Board dated March 1, 1946, a distance of 1,090.8' to an iron bar; thence south 58° 19' west a distance of 1,392.4' to an iron bar; thence north 81° 25' west a distance of 130' more or less to an iron bar planted in the easterly limit of the Merivale Road, said point being the southwesterly angle of the lands referred to in said Order of the Ontario Municipal Board; thence south 10° 17' west along the aforesaid limit of the Merivale Road as widened, a distance of 244.2' to an iron bar planted; thence south 8° 04' west following the aforesaid limit of the Merivale Road, a distance of 326.9' to an iron bar planted; thence south 4° 26' west following the said limit of the Merivale Road a distance of 365.2' more or less to an iron bar planted thereon; thence north 59° 15' east, a distance of 379.9' to an iron bar planted in the interior of said Lot "K"; thence south 3° 30' west following an old wire fence being parallel to the easterly limit of the Merivale Road aforesaid, a distance of 412.5' to a point on the northerly boundary of Registered Plan 314, deposited in the Registry Office for the Registry Division of the said County of Carleton, being also the line between the north and south halves of said Lot "K"; thence northeasterly along the aforesaid boundary of

Registered Plan 314 and the northerly boundary of Registered Plan 252, a distance of 2,420.05' more or less to an iron bar planted on the westerly limit of Fisher Avenue; thence continuing northeasterly in a straight line on the production of said last mentioned course a distance of 66' more or less to the easterly limit of Fisher Avenue; thence northerly following the easterly limit of Fisher Avenue a distance of 2,076' more or less to the southerly limit of Carling Avenue; thence southwesterly following the southerly limit of Carling Avenue, a distance of 699.2' more or less to the point of commencement, be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS that the said land so annexed shall become part of Elmdale Ward in the City of Ottawa.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the County of Carleton on or before the 1st day of July in each of the years from 1947 to 1961 inclusive in respect of the debenture debt of the County the amounts respectively set forth after each year in the fourth column of Schedule "A" hereto.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the Township of Nepean on or before the 1st day of July in each of the years from 1947 to 1961 inclusive in respect of the debenture debt of the Township the amounts respectively set forth after each year in the fourth column of Schedule "B" hereto.

THE BOARD RECOMMENDS that the said annexation shall come into force on and from the 31st day of December, 1946.

(Signed) R. S. COLTER,
Chairman.

Schedule "A"

AMOUNT OF COUNTY OF CARLETON DEBENTURE DEBT
CHARGES ASSUMED BY CITY OF OTTAWA IN CONNECTION
WITH ANNEXATION OF LAND FOR SECOND VETERANS'
HOUSING PROJECT AND STEVENSON PLACE.

Year	Interest	Principal	Total
1947.....	\$73.41	\$209.46	\$282.87
1948.....	63.48	204.41	267.89
1949.....	53.82	194.26	248.08
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1956.....	17.95	58.10	76.05
1957.....	14.54	61.51	76.05
1958.....	10.93	48.43	59.36
1959.....	8.03	51.33	59.36
1960.....	4.94	54.42	59.36
1961.....	1.67	28.01	29.68
	<u>\$431.94</u>	<u>\$1,397.46</u>	<u>\$1,829.40</u>

Schedule "B"

AMOUNT OF TOWNSHIP OF NEPEAN DEBENTURE DEBT
CHARGES ASSUMED BY CITY OF OTTAWA IN CONNECTION
WITH ANNEXATION OF LAND FOR SECOND VETERANS'
HOUSING PROJECT AND STEVENSON PLACE.

Year	Interest	Principal	Total
1947.....	\$808.90	\$956.79	\$1,765.69
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1951.....	598.92	1,166.63	1,765.55
1952.....	539.56	1,054.40	1,593.96
1953.....	485.77	897.52	1,383.29
1954.....	440.79	923.21	1,364.00
1955.....	394.63	969.37	1,364.00
1956.....	346.17	1,017.83	1,364.00
1957.....	295.28	1,068.72	1,364.00
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1959.....	185.74	1,178.26	1,364.00
1960.....	126.82	1,237.18	1,364.00
1961.....	64.97	1,299.03	1,364.00
	<u>\$6,654.10</u>	<u>\$16,061.91</u>	<u>\$22,716.01</u>

BILL

An Act respecting the City of Ottawa.

1st Reading

March 13th, 1947

2nd Reading

3rd Reading

MR. CHARTKAND

*(Reprinted as amended by the Committee on
Private Bills.)*

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Ottawa.

MR. CHARTRAND

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1947

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa Preamble.
by its petition has prayed for special legislation with respect to certain orders of the Ontario Municipal Board annexing parts of the Township of Nepean to the City of Ottawa and to enable the Corporation to pass certain by-laws with respect to the control of the emission of smoke, and to enable the Corporation to make a presentation to Barbara Ann Scott; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Order P.F. B-4854 of the Ontario Municipal Board Annexation Order
dated the 1st day of March, 1946, set out as schedule A P.F. B-4854 validated.
hereto, is hereby declared to be legal, valid and binding.

2.—(1) Order P.F. B-5890 of the Ontario Municipal Board Annexation Order
dated the 10th day of January, 1947, set out as schedule B P.F. B-5890 confirmed.
hereto, is hereby confirmed.

(2) The said order P.F. B-5890 shall be deemed to have Effective date.
taken effect on the 31st day of December, 1946.

(3) The lands annexed to the City of Ottawa by the said Taxation.
order P.F. B-5890 shall, subject to the exemptions provided by any Act, be liable to taxation by the Corporation of the City of Ottawa in the year 1947 and thereafter and shall in the year 1947 be assessed and entered on the collector's roll pursuant to section 57 of *The Assessment Act*. Rev. Stat., c. 272.

3. The lands annexed to the City of Ottawa by the said Change of registry division.
orders P.F. B-4854 and P.F. B-5890 shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act*. Rev. Stat., c. 170.

Smoke
by-laws.

4. The council of the Corporation of the City of Ottawa may pass by-laws:

1. For regulating the installation, alteration, maintenance, repair or use of furnaces, incinerators, boilers, chimneys, flues, stacks or other structures, apparatus or devices used in burning fuel or other combustible material or in connection therewith.

2. For prohibiting, except to such extent as the council may determine, or regulating the emission to the atmosphere of smoke, dust, fly ash, soot, fumes or other solid or gaseous product of combustion from the structures, apparatus or devices referred to in paragraph 1.

3. For appointing officers to administer and enforce any by-law passed under paragraph 1 or 2; and for authorizing such officers to enter at all reasonable times upon any property in order to ascertain whether or not the by-law is being complied with; and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the structures, apparatus or devices referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission to the atmosphere of the products of combustion referred to in paragraph 2; and for providing that in the event of failure on the part of the owner, occupant, manager or agent of the property to make such tests or alterations as the officer may specify, the same may be made by the Corporation at the expense of the owner or occupant; and for recovering the expense incurred in so doing in the manner provided by section 524 of *The Municipal Act*.

Rev. Stat.,
c. 266.

4. For establishing a board composed of not more than seven members, of whom not more than one shall be a member of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of the members of the board, the number constituting a quorum and the procedure relating to appeals.

(a) Any person may appeal from a decision of the board of appeals under this paragraph to the Ontario Municipal Board, whose decision shall be final.

Barbara
Ann Scott.

5. The Corporation of the City of Ottawa may expend out of its general revenues for the year 1947 a sum not exceeding \$2,500 for the purpose of making a presentation to Barbara Ann Scott, winner of the women's figure skating championship of the world, in recognition of her outstanding contribution to amateur athletics in Ontario.

6. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commence-}
^{ment of Act.}

7. This Act may be cited as *The City of Ottawa Act, 1947*. ^{Short title.}

SCHEDULE A

P.F. B-4854.

THE ONTARIO MUNICIPAL BOARD

Friday, the First day of March, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman.	{	IN THE MATTER of Section 20 of <i>The Municipal Act</i> (R.S.O. 1937, Chapter 266);
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman, and		AND IN THE MATTER OF the application of the Corporation of the City of Ottawa for the annexation to the City of Ottawa of a certain part of the Township of Nepean.
W. J. MOORE, Esq., O.L.S., Member.		

UPON THE APPLICATION of the Corporation of the City of Ottawa upon reading the resolution of the Council of the Corporation of the City of Ottawa dated the Fourth day of February, 1946, and notice of such resolution to the Council of the Corporation of the County of Carleton, to the Council of the Corporation of the Township of Nepean and to Veterans Housing Project (Ottawa) Limited, the owner of all the land hereinafter described, and the Corporation of the County of Carleton and the Corporation of the Township of Nepean consenting thereto,

THE BOARD ORDERS under and pursuant to Section 20 of *The Municipal Act* (R.S.O. 1937, Chapter 266), that the following land, namely, all and singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Nepean, County of Carleton, Province of Ontario, and being composed of part of Lot Letter "I", Concession Letter "A", Rideau Front, and being more particularly described as follows:

Commencing at a point on the northerly boundary of Lot Letter "I", being also the southerly limit of Carling Avenue located as follows: Beginning at the northwesterly angle of Lot 68 shown on a plan deposited in the Registry Office for the Registry Division of the County of Carleton as Plan No. 332; thence following the production westerly of the northerly boundary of said registered Plan a distance of 107.5' to a point; thence south 23° 09' east a distance of 8.35' to an iron bar on the southerly limit of Carling Avenue marking the point of commencement aforesaid; thence continuing south 23° 09' east, a distance of 1,090.8' to an iron bar; thence south 58° 19' west, a distance of 1,392.4' to an iron bar; thence north 81° 25' west, a distance of 130.0' more or less, to an iron bar planted in the easterly limit of Merivale Road as widened; thence north 8° 35' east, following the easterly limit of said Merivale Road as widened a distance of 1,290.5' to an iron bar; thence north 32° 56' east, still following said limit of Merivale Road, a distance of 22.5' more or less to an iron bar planted on the said southerly limit of Carling Avenue; thence north 58° 19' east along the southerly limit of Carling Avenue, a distance of 799.1', more or less to the point of commencement; the said parcel or tract of land containing by admeasurement an area of 29.21 acres, more or less; be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS that the said land so annexed shall become part of Elmdale Ward in the City of Ottawa.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the Township of Nepean in respect of the Township's portion of the outstanding general debenture debt of the County the sum of \$317.60, and in respect of the outstanding debenture debt of the Township for school purposes in the school area in which the

said land was situate prior to the said annexation the sum of \$257.56, making a total of \$575.16, and that no other adjustment of assets and liabilities shall be made in connection with the said annexation.

THE BOARD FURTHER ORDERS that the said annexation shall be deemed to have taken effect on and from midnight, the Thirty-first day of December, 1945.

(Signed) W. P. NEAR,
Vice-Chairman.

(Seal)

SCHEDULE B

P.F. B-5890.

THE ONTARIO MUNICIPAL BOARD

Friday, the 10th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman,	{	IN THE MATTER OF Section 23 of <i>The Municipal Act</i> (R.S.O. 1937, Chapter 266, as enacted by Section 2 of Chapter 30, O.S. 1939), and
W. P. NEAR, Esq., B.A.Sc., Vice-Chairman, and		
W. J. MOORE, Esq., O.L.S., Member.	{	IN THE MATTER OF the application of the Corporation of the City of Ottawa for the annexation to the City of Ottawa of a certain part of the Township of Nepean.

UPON THE APPLICATION of the Corporation of the City of Ottawa under Section 23 of *The Municipal Act*, authorized by By-law Number 9693 of the said Corporation passed on the 16th day of September, A.D. 1946, having come on to be heard at a public hearing at the Court House in the City of Ottawa on Friday, the 10th day of January, A.D. 1947, pursuant to an appointment given by the Board, and it appearing that Notice of the said appointment had been published in accordance with the direction of the Board and the Corporation of the County of Carleton and the Corporation of the Township of Nepean consenting thereto and no person appearing in opposition thereto,

THE BOARD ORDERS under and pursuant to Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266, as enacted by Section 2 of Chapter 30, O.S. 1939), that the following land, namely, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Nepean, in the County of Carleton, being composed of parts of Lots lettered "I" and "K", Concession "A", Rideau Front, and including the land shown subdivided on a plan registered in the Registry Office for the Registry Division of the County of Carleton as Plan Number 332, all of which may be more particularly described as follows:—Commencing at a point on the northerly boundary of Lot lettered "I", being also the southerly limit of Carling Avenue, located as follows: Beginning at the northwesterly angle of Lot 68, as shown on said Plan Number 332; thence following the production westerly of the northerly boundary of the lands subdivided by said registered plan a distance of 107.5' to a point; thence south 23° 09' east a distance of 8.35' to an iron bar on the southerly limit of Carling Avenue marking the point of commencement aforesaid; thence continuing south 23° 09' east along the easterly boundary of the lands annexed by Order of Ontario Municipal Board dated March 1, 1946, a distance of 1,090.8' to an iron bar; thence south 58° 19' west a distance of 1,392.4' to an iron bar; thence north 81° 25' west a distance of 130' more or less to an iron bar planted in the easterly limit of the Merivale Road, said point being the southwesterly angle of the lands referred to in said Order of the Ontario Municipal Board; thence south 10° 17' west along the aforesaid limit of the Merivale Road as widened, a distance of 244.2' to an iron bar planted; thence south 8° 04' west following the aforesaid limit of the Merivale Road, a distance of 326.9' to an iron bar planted; thence south 4° 26' west following the said limit of the Merivale Road a distance of 365.2' more or less to an iron bar planted thereon; thence north 59° 15' east, a distance of 379.9' to an iron bar planted in the interior of said Lot "K"; thence south 3° 30' west following an old wire fence being parallel to the easterly limit of the Merivale Road aforesaid, a distance of 412.5' to a point on the northerly boundary of Registered Plan 314, deposited in the Registry Office for the Registry Division of the said County of Carleton, being also the line between the north and south halves of said Lot "K"; thence northeasterly along the aforesaid boundary of

Registered Plan 314 and the northerly boundary of Registered Plan 252, a distance of 2,420.05' more or less to an iron bar planted on the westerly limit of Fisher Avenue; thence continuing northeasterly in a straight line on the production of said last mentioned course a distance of 66' more or less to the easterly limit of Fisher Avenue; thence northerly following the easterly limit of Fisher Avenue a distance of 2,076' more or less to the southerly limit of Carling Avenue; thence southwesterly following the southerly limit of Carling Avenue, a distance of 699.2' more or less to the point of commencement, be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS that the said land so annexed shall become part of Elmdale Ward in the City of Ottawa.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the County of Carleton on or before the 1st day of July in each of the years from 1947 to 1961 inclusive in respect of the debenture debt of the County the amounts respectively set forth after each year in the fourth column of Schedule "A" hereto.

THE BOARD FURTHER ORDERS that the Corporation of the City of Ottawa shall pay to the Corporation of the Township of Nepean on or before the 1st day of July in each of the years from 1947 to 1961 inclusive in respect of the debenture debt of the Township the amounts respectively set forth after each year in the fourth column of Schedule "B" hereto.

THE BOARD RECOMMENDS that the said annexation shall come into force on and from the 31st day of December, 1946.

(Signed) R. S. COLTER,
Chairman.

Schedule "A"

AMOUNT OF COUNTY OF CARLETON DEBENTURE DEBT
CHARGES ASSUMED BY CITY OF OTTAWA IN CONNECTION
WITH ANNEXATION OF LAND FOR SECOND VETERANS'
HOUSING PROJECT AND STEVENSON PLACE.

Year	Interest	Principal	Total
1947.....	\$73.41	\$209.46	\$282.87
1948.....	63.48	204.41	267.89
1949.....	53.82	194.26	248.08
1950.....	44.36	169.40	213.76
1951.....	35.97	107.01	142.98
1952.....	30.36	55.43	85.79
1953.....	27.09	48.97	76.06
1954.....	24.21	51.84	76.05
1955.....	21.18	54.88	76.06
1956.....	17.95	58.10	76.05
1957.....	14.54	61.51	76.05
1958.....	10.93	48.43	59.36
1959.....	8.03	51.33	59.36
1960.....	4.94	54.42	59.36
1961.....	1.67	28.01	29.68
	<u>\$431.94</u>	<u>\$1,397.46</u>	<u>\$1,829.40</u>

Schedule "B"

AMOUNT OF TOWNSHIP OF NEPEAN DEBENTURE DEBT
CHARGES ASSUMED BY CITY OF OTTAWA IN CONNECTION
WITH ANNEXATION OF LAND FOR SECOND VETERANS'
HOUSING PROJECT AND STEVENSON PLACE.

Year	Interest	Principal	Total
1947.....	\$808.90	\$956.79	\$1,765.69
1948.....	760.23	1,004.71	1,764.94
1949.....	709.12	1,056.59	1,765.71
1950.....	655.36	1,109.51	1,764.87
1951.....	598.92	1,166.63	1,765.55
1952.....	539.56	1,054.40	1,593.96
1953.....	485.77	897.52	1,383.29
1954.....	440.79	923.21	1,364.00
1955.....	394.63	969.37	1,364.00
1956.....	346.17	1,017.83	1,364.00
1957.....	295.28	1,068.72	1,364.00
1958.....	241.84	1,122.16	1,364.00
1959.....	185.74	1,178.26	1,364.00
1960.....	126.82	1,237.18	1,364.00
1961.....	64.97	1,299.03	1,364.00
	<u>\$6,654.10</u>	<u>\$16,061.91</u>	<u>\$22,716.01</u>

BILL

An Act respecting the City of Ottawa.

1st Reading

March 13th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. CHARTKAND

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Goderich.

MR. TAYLOR (Huron)

(PRIVATE BILL)

BILL

An Act respecting the Town of Goderich.

WHEREAS the Corporation of the Town of Goderich ^{Preamble.} by its petition has represented that the Canada Company did by deed dated the 26th day of April, 1854, release and convey to the municipal council of the Town of Goderich that part of the Town of Goderich known as the "Market Square" for the purpose of a market place and that the municipal council of the Town of Goderich did by deed dated the 8th day of February, 1947, convey to the municipal council of the County of Huron a part of the said Market Square for the purpose of erecting a new court house thereon; and whereas doubts have arisen as to the power of the municipal council of the Town of Goderich to make the said conveyance; and whereas the petitioner has prayed for special legislation to remove these doubts by validating the said conveyance; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The conveyance made by deed dated the 8th day of February, 1947, by the municipal council of the Town of Goderich to the municipal council of the County of Huron of part of the land known as the "Market Square" in the Town of Goderich, more particularly described in the said deed, is and shall be deemed to have been from the 8th day of February, 1947, legal and valid. ^{Conveyance of part of Market Square to County validated.}

2. This Act may be cited as *The Town of Goderich Act*, ^{Short title.} 1947.

BILL

An Act respecting the Town of
Goderich.

1st Reading

2nd Reading

3rd Reading

MR. TAYLOR (Huron)

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Goderich.

MR. TAYLOR (Huron)

No. 8

1947

BILL

An Act respecting the Town of Goderich.

WHEREAS the Corporation of the Town of Goderich ^{Preamble.} by its petition has represented that the Canada Company did by deed dated the 26th day of April, 1854, release and convey to the municipal council of the Town of Goderich that part of the Town of Goderich known as the "Market Square" for the purpose of a market place and that the municipal council of the Town of Goderich did by deed dated the 8th day of February, 1947, convey to the municipal council of the County of Huron a part of the said Market Square for the purpose of erecting a new court house thereon; and whereas doubts have arisen as to the power of the municipal council of the Town of Goderich to make the said conveyance; and whereas the petitioner has prayed for special legislation to remove these doubts by validating the said conveyance; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The conveyance made by deed dated the 8th day of February, 1947, by the municipal council of the Town of Goderich to the municipal council of the County of Huron of part of the land known as the "Market Square" in the Town of Goderich, more particularly described in the said deed, is and shall be deemed to have been from the 8th day of February, 1947, legal and valid. ^{Conveyance of part of Market Square to County validated.}

2. This Act may be cited as *The Town of Goderich Act*, ^{Short title.} 1947.

BILL

An Act respecting the Town of
Goderich.

1st Reading

March 13th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. TAYLOR (Huron)

No. 9

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Sarnia.

MR. CATHCART

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY THE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Sarnia.

WHEREAS the Corporation of the City of Sarnia by Preamble.
its petition has prayed for special legislation to amend
The City of Sarnia Act, 1925, so that the time for voting at 1925, c. 103.
municipal elections in the said city shall be from 10 a.m.
until 7 p.m. instead of from 9 a.m. until 6 p.m.; and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 4 of *The City of Sarnia Act, 1925*, is repealed 1925, c. 103,
s. 4, re-
enacted.
and the following substituted therefor:

4. Nomination meetings for members of the council, Elections.
board of education, water commissioners, Hydro-
Electric commissioners of the said corporation and
other elective bodies, if any, shall be held on the
Thursday that occurs eleven days prior to the first
Monday in December of each year, and the polling,
if any, for the said members, exclusive of advance
polling under *The Municipal Act*, shall be held on the Rev. Stat.,
c. 266.
first Monday in December of each year, and the time
for voting shall extend from ten o'clock in the fore-
noon until seven o'clock in the afternoon, provided Proviso.
that if in any year the day so fixed for nomination or
polling falls on a holiday, such nomination or polling,
as the case may be, shall be held on the next following
day.

2. This Act may be cited as *The City of Sarnia Act, 1947*. Short title.

BILL

An Act respecting the City of Sarnia.

1st Reading

2nd Reading

3rd Reading

MR. CATHCART

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Sarnia.

MR. CATHCART

BILL

An Act respecting the City of Sarnia.

WHEREAS the Corporation of the City of Sarnia by Preamble.
its petition has prayed for special legislation to amend
The City of Sarnia Act, 1925, so that the time for voting at ^{1925, c. 103.}
municipal elections in the said city shall be from 10 a.m.
until 7 p.m. instead of from 9 a.m. until 6 p.m.; and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 4 of *The City of Sarnia Act, 1925*, is repealed ^{1925, c. 103.}
and the following substituted therefor: <sup>s. 4, re-
enacted.</sup>

4. Nomination meetings for members of the council, ^{Elections.}
board of education, water commissioners, Hydro-
Electric commissioners of the said corporation and
other elective bodies, if any, shall be held on the
Thursday that occurs eleven days prior to the first
Monday in December of each year, and the polling,
if any, for the said members, exclusive of advance
polling under *The Municipal Act*, shall be held on the <sup>Rev. Stat.,
c. 266.</sup>
first Monday in December of each year, and the time
for voting shall extend from ten o'clock in the fore-
noon until seven o'clock in the afternoon, provided ^{Proviso.}
that if in any year the day so fixed for nomination or
polling falls on a holiday, such nomination or polling,
as the case may be, shall be held on the next following
day.

2. This Act may be cited as *The City of Sarnia Act, 1947*. ^{Short title.}

BILL

An Act respecting the City of Sarnia.

1st Reading

March 20th, 1947

2nd Reading

March 31st, 1947

3rd Reading

April 2nd, 1947

MR. CATHCART

No. 10

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Leamington.

MR. MURDOCH

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY THE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 10

1947

BILL

An Act respecting the Town of Leamington.

WHEREAS the Corporation of the Town of Leamington ^{Preamble.} by its petition has prayed for special legislation to confirm certain orders of the Ontario Municipal Board annexing parts of the Township of Mersea to the Town of Leamington, to validate a certain by-law and agreement, which has been approved by vote of the electors, with respect to a franchise to operate a passenger transport system in the Town of Leamington, to enable the Corporation to acquire lands in the Township of Mersea for the purpose of establishing a highway to accommodate part of the traffic entering the Town of Leamington from the South, and to enable the Corporation to provide for the cost of maintaining and repairing the Selkirk Drain in the manner hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Orders P.F. B-5735 and P.F. B-5736 of the Ontario ^{Annexation} Municipal Board dated the 8th day of January, 1947, set out ^{orders} confirmed. as schedules A and B hereto, are hereby confirmed.

(2) The said orders shall be deemed to have come into ^{Effective} effect on the 1st day of January, 1947. ^{date.}

2. By-law Number 1867 passed by the council of the ^{Bus} Corporation of the Town of Leamington and the Agreement ^{franchise} entered into pursuant thereto relating to the granting of an ^{validated.} exclusive transportation franchise for bus service within the limits of the Town of Leamington to Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, carrying on business under the name of Leamington Bus Company, which said By-law and Agreement are set out as schedule C hereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the Town of Leamington and the other parties thereto, and the council of

the Corporation of the Town of Leamington is hereby authorized and empowered to carry out its obligations thereunder and to enforce the terms thereof and to pass such other by-laws and do all such acts, matters or things as may be deemed necessary by the said council for the full and proper carrying out and enforcement of the provisions of the said By-law and Agreement, and to do any and all acts, matters or things that may be necessary to secure to Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, carrying on business under the name of Leamington Bus Company, an exclusive transportation franchise for bus service within the limits of the Town of Leamington as is provided in the said By-law and Agreement; but nothing in the said By-law or Agreement shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Rev. Stat.,
c. 289.

Acquisition
of certain
lands for
highway
purposes.

3. The Corporation of the Town of Leamington is authorized and empowered to acquire lands in the Township of Mersea for a public highway fifty feet or more in perpendicular width to extend from the south limit of that part of the Town of Leamington which lies west of a line drawn parallel to and distant six hundred and sixty feet west of Erie Street in the said Town, southerly to King's Highway No. 18, whether by private contract or under the provisions of *The Municipal Act* applicable to the expropriation of lands, and to establish and lay out the same as a public highway and to pay the cost thereof, and it shall not be necessary for the said Corporation to comply with any requirement of *The Municipal Act* as to publishing or posting up notice thereof or to obtain the approval of the Ontario Municipal Board as provided in section 502 of the said Act, and the said Corporation is further authorized and empowered to maintain the said public highway and to pay the cost of such maintenance after its establishment until such time as the same is assumed by the Corporation of the Township of Mersea, in the same manner as if the said public highway were included within the limits of the Town of Leamington.

Rev. Stat.,
c. 266.

Repair and
improvement
of
Selkirk
Drain.

4.—(1) The Corporation of the Town of Leamington is authorized and empowered to make repairs to the Selkirk Drain and its branches in the Town of Leamington and in the Township of Mersea from the points at which drainage from the said Town enters the same to the outlet of the said drain in Lake Erie, and may upon the report of an engineer or surveyor, or without a report upon a pro rata assessment on the lands and roads as last assessed for the construction or repair of the same, subject however to assessment on lands in the Town of Leamington being made pursuant hereto, make improvements thereto by deepening, widening, extending or covering the same or any part thereof, to the same extent as

the Corporation of the Township of Mersea is now empowered to do under *The Municipal Drainage Act*, which Act, save as varied herein or in *The Town of Leamington Act, 1927*, shall be applicable to the Selkirk Drain and its branches. Rev. Stat., c. 278. 1927, c. 116.

(2) If any such repairs or improvements are made by the Corporation of the Town of Leamington without a report of an engineer or surveyor, any damage to lands arising therefrom shall be paid for by the said Corporation and if no settlement satisfactory to the owner alleging such damage is made, any owner alleging such damage may avail himself of sections 98 to 101 of *The Municipal Drainage Act*. Damage to lands.

(3) Nothing herein contained shall be deemed to affect the rights of the Corporation of the Township of Mersea or of the Corporation of the Town of Leamington or of any owner of land in the said Township or in the said Town to appeal as provided in *The Municipal Drainage Act*, provided that an appeal by an owner of lands in the Town of Leamington shall not be maintainable on any complaint of an overcharge in the assessment of his lands or of an undercharge in the assessment of other lands in the Town of Leamington, but any such owner may appeal on the ground that his lands do not drain into the Selkirk Drain or any branch thereof and that his lands are not properly assessable for any amount or on the ground that other lands in the Town of Leamington are improperly omitted from assessment. Rights to appeal not affected. Proviso.

(4) The part of the cost of the work, improvements or repairs, whether now pending or hereafter to be done, properly assessable against lands in the Town of Leamington, shall be assessed against the Corporation of the Town of Leamington and the said Corporation may levy the cost thereof against lands and buildings in the parts of the Town of Leamington properly assessable therefor by a special mill rate upon the assessed value of such lands and buildings in each year for the currency of any debentures issued therefor and it shall not be necessary to make out a special assessment roll in respect of such assessments. Provision for cost of repairs, etc.

(5) Notwithstanding any provision of *The Municipal Drainage Act* requiring notices to be served by mail or otherwise, any such notice required to be given by the clerk of the Town of Leamington may be served by publication in two successive issues of a newspaper published in the said Town. Service of notices.

(6) The Corporation of the Town of Leamington may without the assent of the electors borrow upon debentures the amount of its proportion of the cost of any work, improvements or repairs and shall levy annually upon the lands and buildings in the Town of Leamington liable therefor during the Debentures.

currency of the debentures a special rate according to the assessed value thereof sufficient for the payment of the debentures.

Commence-
ment of Act. **5.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **6.** This Act may be cited as *The Town of Leamington Act, 1947*.

SCHEDULE A

P.F. B-5735.

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 8th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andW. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF *The Municipal Act*, R.S.O. 1937, Chapter 266, Section 23, as amended by *The Municipal Amendment Act, 1939*, Chapter 30, Section 2, and

IN THE MATTER OF the application of the Corporation of the Town of Leamington, for annexation to the Town of Leamington of certain lands in the Township of Mersea, being part of Lot 6 in the Broken Front Concession of the said Township, adjoining Seacliffe Park.

Upon the application of the Corporation of the Town of Leamington, upon reading a certified copy of a Resolution of the Council of the Corporation of the Town of Leamington declaring it expedient to annex the lands hereinafter described and a Petition therefor of Walter Spurr and others, being all the property owners and including all the municipal electors, in that part of the Township of Mersea proposed to be annexed, the Affidavit of William Elmer Selkirk, as to service of certified copies thereof and of Notice thereof, upon the Clerk of the Corporation of the Township of Mersea, a certified copy of a Resolution of the Corporation of the Township of Mersea consenting to and approving the said proposed annexation, a Certificate of the Clerk of the Corporation of the Township of Mersea showing three municipal electors and six other property owners in that part of the Township of Mersea so proposed to be annexed, the Appointment of the Board for hearing and the Affidavit of Violet A. Cross as to service of a true copy of the said Appointment and Notice thereof on the Clerk of the Corporation of the Township of Mersea, the Affidavit of George Slaney as to service of the said Appointment and Notice thereof on the Secretary of the Public School Board of Section South Western of the Township of Mersea, the Affidavit of Milton Rocheleau as to service of the said Appointment and Notice thereof on the Clerk of the Corporation of the County of Essex, and the Affidavit of Violet A. Cross as to service of the said Appointment and Notice thereof by registered post, on Walter Spurr and Ruth Spurr, W. E. Wallace, Lillian Brown, W. E. Cowley, Charles Deitch, Ronald R. Martin, Frank Costanza and Peter Costanza, being all of the property owners and including all the municipal electors in the said part of the Township of Mersea proposed to be annexed, and this application having been heard by the Board this day at the Town of Leamington, upon due notice to all parties affected and no one appearing to oppose the application, the Board orders and directs that the following lands in the Township of Mersea, namely,

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Mersea, in the County of Essex and Province of Ontario, and being composed of part of Lot Number Six (6) in the Broken Front or First Concession of the said Township of Mersea, which said parcel or tract may be more particularly described as follows, that is to say: Commencing at a stake planted in the easterly limit of the lands conveyed by Henrietta Robinson to Albert M. Wehenkel, more particularly described in Deed dated the 22nd day of December, 1936, and registered as Number 26189 for the Township of Mersea, and which said easterly limit has a bearing of south Three degrees and Three minutes West (S. 3° 3' W.), and is distant Twelve Hundred and Forty-two feet and Six inches (1,242' 6") measured westerly along the southerly limit

of the road known as the First Concession Road (now Provincial Highway No. 18), from the westerly limit of the road between Lots 6 and 7 (Erie Street), said stake being distant Four Hundred and Eighty feet (480') measured southerly in the said easterly limit of the lands conveyed to said Wehenkel from the southerly limit of the said Provincial Highway No. 18; thence Easterly parallel with the southerly limit of said Provincial Highway No. 18, a distance of Thirty feet (30') more or less to a stone monument planted in the west limit of the lands conveyed by Forest H. Conover and wife to the Corporation of the Town of Leamington for park purposes by Deed registered Number 3607 for Leamington, and which lands are now known as Seacliffe Park; thence south Three degrees and Three minutes West (S. 3° 3' W.) parallel to the easterly limit of the lands conveyed to said Wehenkel as aforesaid, and in the west limit of the Town of Leamington, a distance of Eight Hundred and Forty-five feet (845') more or less to the water's edge of Lake Erie; thence Westerly following the said water's edge, Thirty feet (30') more or less to the production of a line drawn on a course of south Three degrees and Three minutes West (S. 3° 3' W.) from the point of commencement, and in the production of the easterly limit of the lands conveyed to Wehenkel as aforesaid; thence North Three degrees and Three minutes East (N. 3° 3' E.) in the said production and in the said limit, Eight Hundred and Forty-five feet (845') more or less to the point of commencement;

be and the same are hereby annexed to the Corporation of the Town of Leamington upon the terms and conditions as follows:

1. That the said annexation shall take effect only upon confirmation of this Order by an Act of the Legislature of the Province of Ontario and subject thereto shall take effect on the 31st day of December, 1946, at midnight, or on such other day and time as shall be named in the said Act.

2. This Board may, pursuant to any application therefor, make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable.

(Seal)

R. S. COLTER,
Chairman.

SCHEDULE B

P.F. B-5736.

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 8th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C., IN THE MATTER OF *The Municipal*
Chairman; and *Act*, R.S.O. 1937, Chapter 266, Sec-

W. J. MOORE, Esq., O.L.S., tion 23, as amended by *The Municip-*
Member. *al Amendment Act*, 1939, Chapter
30, Section 2, and

IN THE MATTER OF the application of
the Corporation of the Town of
Leamington, for annexation to the
Town of Leamington of certain lands
in the Township of Mersea, being part
of Lot 242, S.T.R., in the said Town-
ship of Mersea, comprising 24.487
acres.

Upon the application of the Corporation of the Town of Leamington, upon reading a certified copy of a Resolution of the Council of the Corporation of the Town of Leamington declaring it expedient to annex the lands hereinafter described, the Affidavit of William Elmer Selkirk as to service of certified copies thereof, and of Notice thereof upon the Clerk of the Corporation of the Township of Mersea, the Affidavit of Violet A. Cross as to service of certified copies thereof and of Notice thereof on Neil K. Maynard, the owner of the lands proposed to be annexed prior to conveyance thereof by him to the Corporation of the Town of Leamington, the consent of the said Neil K. Maynard, a certified copy of a Resolution of the Corporation of the Township of Mersea, consenting to and approving the said proposed annexation, a Certificate of the Clerk of the Corporation of the Township of Mersea showing no municipal electors in that part of the Township of Mersea so proposed to be annexed, the Appointment of the Board for hearing and the Affidavit of Violet A. Cross as to service of a true copy of the said Appointment and Notice thereof on the Clerk of the Corporation of the Township of Mersea, the Affidavit of George Slaney as to service of the said Appointment and Notice thereof on the Secretary of the Public School Board of Section No. 22 of the Township of Mersea, the Affidavit of Milton Rocheleau as to service of the said Appointment and Notice thereof on the Clerk of the Corporation of the County of Essex, and this application having been heard by the Board this day at the Town of Leamington, upon due notice to all parties affected and no one appearing to oppose the application, the Board orders and directs that the following lands in the Township of Mersea, namely,

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Mersea, in the County of Essex and Province of Ontario, being composed of part of Farm Lot No. 242, South Talbot Road, in the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a stake planted in the Westerly limit of said Farm Lot No. 242 (being the Easterly limit of the Corporation of the Town of Leamington) at a distance of Five Hundred and Three feet (503') measured on a course of South Two degrees Forty-six minutes West (S. 2° 46' W.) along the last mentioned limit from the Northerly limit of said lot (being the Southerly limit of the Talbot Road—King's Highway No. 3); thence South Eighty-seven degrees Fourteen minutes East (S. 87° 14' E.) Seven Hundred and Thirteen feet (713') to a stake; thence South Two degrees Forty-six minutes West (S. 2° 46' W.) Fourteen Hundred and Ninety-six feet (1,496') to a stake planted at a distance of Eleven Hundred and Thirty-eight feet (1,138') measured Northerly from the Southerly limit of said

Lot 242 (Second Concession Road) on a line parallel with the said westerly limit of Lot 242; thence North Eighty-seven degrees Fourteen minutes West (N. $87^{\circ} 14'$ W.) Seven Hundred and Thirteen feet (713') to a stake planted in the said Westerly limit of Farm Lot No. 242; thence North Two degrees Forty-six minutes East (N. $2^{\circ} 46'$ E.) following the last mentioned limit, Fourteen Hundred and Ninety-six feet (1,496') more or less to the place of beginning. Containing by admeasurement the sum of Twenty-four and Four Hundred and Eighty-seven One-Thousandths acres (24.487 ac.) be the same more or less;

be and the same are hereby annexed to the Corporation of the Town of Leamington upon the terms and conditions as follows:

1. That the said annexation shall take effect only upon confirmation of this Order by an Act of the Legislature of the Province of Ontario, and subject thereto shall take effect on the 31st day of December, 1946, at midnight, or on such other day and time as shall be named in the said Act.

2. This Board may, pursuant to any application therefor, make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable.

R. S. COLTER,
Chairman.

(Seal)

SCHEDULE C

BY-LAW NUMBER 1867

TOWN OF LEAMINGTON

A By-law respecting the Leamington Bus Company and granting of a franchise to operate a Passenger Transport System in the Town of Leamington.

WHEREAS Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, all of the Town of Leamington, carrying on business under the name of Leamington Bus Company, have been furnishing public transportation to the people of the Town of Leamington by means of buses during the present year;

AND WHEREAS the said Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, carrying on business as Leamington Bus Company, hereinafter called the Applicants, have requested the Corporation of the Town of Leamington to grant to them (and with the right of assignment thereof to a Company to be known as Leamington Bus Company Limited, when incorporated) an exclusive bus transportation franchise entitling them to use certain streets in the Town of Leamington for a period of ten years;

AND WHEREAS Agreement bearing date the 28th day of October, 1946, has been arranged to the mutual satisfaction of the said Corporation and the said Applicants, to grant the said Applicants an exclusive bus transportation franchise entitling them to operate a passenger transportation system on certain streets in the said Town of Leamington for a period of ten years;

AND WHEREAS the said Agreement sets out the obligations, terms and conditions binding upon the Corporation and the Applicants, which Agreement is attached hereto and set forth as Schedule "A" to this By-law and made a part thereof;

NOW THEREFORE the Corporation of the Town of Leamington, by its Municipal Council, enacts as follows:

1. That the Mayor and Clerk of the Corporation of the Town of Leamington be and they are hereby directed and authorized to sign the said Agreement dated the 28th day of October, 1946, which Agreement is hereby incorporated in and forms part of this By-law and the said Clerk is hereby directed and authorized to affix the Corporate Seal of the Corporation to the said Agreement.

2. This By-law shall not come into force and take effect until it has been assented to by the Municipal Electors of the Town of Leamington as provided by *The Municipal Act*, R.S.O. 1937, Cap 266 (and confirmed and validated by an Act of the Legislature of the Province of Ontario).

PASSED AND ENACTED this 13th day of January, 1947.

PHILIP FADER,
Mayor.

W. E. SELKIRK,
Clerk.

(Seal)

Schedule "A"

THIS AGREEMENT made in triplicate this 28th day of October, A.D. 1946,

BETWEEN:

ELDON M. ARMSTRONG, WILLIAM T. ARMSTRONG and
HECTOR C. ARMSTRONG, all of the Town of Leamington,
in the County of Essex, carrying on business under the
name of "Leamington Bus Company" (hereinafter
called "the Company")

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWN OF LEAMINGTON (here-
inafter called "the Corporation")

OF THE SECOND PART.

WHEREAS the Company has made application to the Corporation for rights over, through and upon the streets, avenues and public highways in the Town of Leamington, for the purpose of operating a passenger transportation system on a regular time schedule adaptable to traffic conditions;

AND WHEREAS the Corporation is desirous of granting such rights exclusively to the Company and permitting the Company to operate a passenger transportation system in the Town of Leamington, as aforesaid, for the convenience of its citizens and deems it advisable to enter into this agreement with the Company and to submit a By-law to the electors to ratify the same;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the parties hereto do hereby undertake covenant and agree as follows:

1. Subject to the agreements, obligations, terms and conditions hereinafter contained, the Corporation hereby grants to the Company as hereinafter provided, an exclusive right, franchise and privilege for the full period of ten years from and after the date when a by-law approving this agreement takes effect, to operate a passenger transportation system on a time schedule and for such purpose to maintain and operate busses and other vehicles operated by gasoline or other motive power together with any rolling stock and equipment necessary and incidental thereto, and upon the terms mentioned in and authorized by this Agreement, over, through, and upon the streets of the Corporation and to operate upon a schedule as to days of the week, daily service, frequency of service as hereinafter set forth.

2. Notwithstanding anything hereinbefore contained, should the Company for any reason fail to operate the said passenger transportation system, the Corporation by its Council may grant or permit to be granted to any person, partnership, Company or Corporation, the right to operate a transportation system as long as such failure continues, and the Corporation may give the Company notice, in writing, setting out the particulars in which the Company has failed to perform or violated any of the covenants, and obligations herein set out; such notice to be given by registered mail directed to the Company at Leamington, Ontario, and in that event any matters in dispute shall be submitted to arbitration in the manner provided.

3. The granting of the franchise as in clause 1 hereof provided is subject to and conditioned on compliance with and fulfillment of the following covenants of the Company and which are a condition precedent to the granting of the said franchise:

(a) The Company shall commence to operate the transportation system herein set out within fifteen days after a By-law approving this agreement takes effect and shall during the said term of ten years (or any extension thereof) provide adequate transportation service for passengers within the limits of the Town of Leamington and equipment and personnel in accordance with reasonable traffic requirements from time to time and in accordance with the schedule or schedules filed by the Company with the Clerk of the Corporation from time to time.

(b) All vehicles used or operated under the authority of this agreement shall be at all times fully equipped with approved safety devices and shall be kept and maintained in first class serviceable condition and present at all times a good appearance and all vehicles, while in operation, shall be kept in a clean, sanitary condition. The Company shall obtain further modern busses for regular routes as soon as same are available after operation commences.

(c) All drivers and operators of vehicles, while in operation, shall be capable, sober and prudent men, upwards of twenty-one years of age and possessed of a chauffeur's license, under the laws of the Province of Ontario, and it shall be the duty of every such driver to keep and observe all and every provision of *The Highway Traffic Act* and of all other statutes (Provincial and Federal), Regulations and Municipal By-laws which are applicable and whether now or hereafter in force, as well as the provisions of this agreement.

(d) The Company shall at all times in the operation of the said vehicles comply with the provisions of *The Highway Traffic Act* and all Municipal, Provincial and Federal laws, rules and regulations affecting them or relating to public vehicles.

(e) The Company shall at all times keep the said vehicles insured in a Company satisfactory to the Corporation against public liability, liability to passengers and public and property damage and be responsible for all accidents resulting from its negligence or through the negligence of its agents or workmen in operating any vehicle. The said insurance shall at least, indemnify against such liability, for injuries to any one person, for any one accident or for property damage to the amounts provided by the regulations respecting the licensing of public vehicles or by any statute or regulation of the Province of Ontario and shall at all times keep such policies on file in the office of the Town Clerk, and further shall indemnify and save the Corporation harmless from any and all costs or damages which may accrue in any manner by reason of any negligent act of omission or commission in the operation of any vehicle or vehicles as herein set out, or otherwise.

(f) The Company shall maintain a passenger transport service to meet the requirements of the Corporation from time to time in, over and upon such streets and upon such schedule as to days of the week, daily service, frequency of service, stopping places and fares as has been or may be mutually agreed upon from time to time between the Company and the Council of the Corporation and in the event of the Corporation and the Company failing to agree at any time upon the service routes, schedules and fares or any of the matters herein referred to, the point or points in dispute shall be referred to the Senior Judge of the County Court of the County of Essex as sole arbitrator under the provisions of *The Arbitration Act*, and the said arbitrator shall publish his award in writing signed by him considering the matters to him referred and the parties hereto covenant that they will well and truly stand to, abide by, observe, perform and fulfill the award and determination of the said arbitrator, hereby appointed, of and concerning the matters referred to him, subject to the right of Appeal therefrom as provided in the said Arbitration Act.

4. The following fare schedule shall apply to the users of the passenger transport system:

- (a) Single cash fare—10c.
- (b) Tickets—three tickets for 25c.
- (c) Children under 12 years of age, cash fare—5c.

Payment of a fare, either by cash or by ticket, shall entitle a passenger to ride from any point within a route to any other point served by the Company in the Town, and for the purpose of making such journey the passenger shall be entitled to transfer (in the event that more than one route is established) from one route to another route, within the Municipal limits, as may be necessary to reach his destination, without the payment of an additional fare. The Company shall have the right to change the foregoing fare schedule after first having obtained the approval thereto of the Council of the Corporation.

5. The Company may from time to time make rules and regulations governing the conduct of passengers on its busses and premises, the payment of fares, use of fare tickets and transfers and other matters pertaining to the relationship between the Company and the passengers or prospective passengers. The Council of the Corporation reserves the right to approve of routes of busses, rates of fare and the aforesaid regulations as they may be modified from time to time; a copy of which rules and regulations shall be filed with the Clerk of the Corporation and when so approved shall form part of this agreement as if the same had been incorporated herein.

6. Policemen in the employ of the Corporation shall be carried free when in uniform and on duty.

7. Upon the request of the Company in writing made at any time after the expiration of seven years from the taking effect of a By-law approving this agreement provided that the Company has fully complied with the terms and conditions hereof, the Corporation shall submit to the electors a By-law authorizing the renewal of this franchise for a further term of ten years from the expiration of the same upon the same terms and conditions.

8. If notwithstanding the statutory duty of the Corporation to maintain the streets, intersections, pavements and roadways in a reasonably safe and passable condition, owing to unusual weather conditions, or other circumstances, the routes designated for travel by the Company or any of such routes are in the opinion of the Company unsafe or unpassable for its purposes, the Company may thereupon interrupt the bus service upon the route or routes which are unsafe, until the dangerous condition is remedied or at its option may re-route its busses, but in such event shall notify the Mayor of the Corporation or such other person as is designated in writing by him of such suspension or re routing of service, or the Company at its option may provide its own equipment at its own expense to the extent necessary to remove ice or snow to permit the further operation of its busses, in which event the Company shall promptly notify the Mayor or such person as he may in writing designate promptly thereof.

9. The Corporation will take all necessary steps to avoid congestion of traffic and as far as possible to facilitate the free passage of busses upon its streets in order that schedules may be maintained.

10. The Corporation may create and designate such restricted parking areas, one-way streets and "no parking" areas as it is empowered to do and as in its discretion are necessary and to make provision for bus stops and shall enforce obedience thereto and shall designate and enforce such other traffic regulations as traffic conditions may from time to time require and so as to implement the provisions of this agreement.

11. Nothing herein contained shall make the Corporation liable in any way to any person who suffers loss, damage or injury by reason of the negligence of the Company or their workmen, servants or agents.

12. The Corporation may apply to the Legislative Assembly of the Province of Ontario for legislation validating this agreement and the by-law authorizing the execution of the same at the cost of the Company and the Company shall indemnify the Corporation against and shall pay all costs incurred by the Corporation in respect thereof, and in preparation of this agreement, the by-law authorizing the execution of the same, the by-law, advertisement and other proceedings for taking a vote of the Electors of the Corporation, all solicitors costs to be taxed if so required by the Company.

13. Save as aforesaid, during the term of this agreement the Corporation shall not in any way depreciate the right, privilege or franchise hereby granted and shall not grant to any other person, partnership, firm or corporation any right, license or franchise to maintain or operate any street railway or bus line or jitney for local passenger trips, the operation of which shall come into competition with the transportation system of the Company. Provided that this section shall not apply to any ordinary cabs, or taxi cabs kept for hire and used for transportation not over a fixed route, at fares fixed by the Council of the Corporation, nor to any school bus, whether chartered, hired or operated by a School Board for the transportation exclusively of school children to and from school.

The Corporation covenants and agrees to do all in its power to carry out the terms and spirit of this agreement and to that end will assist the Company in every way possible.

14. If at any time the Bus Company wishes to terminate this franchise it may do so on six months' written notice to the Corporation and in such event all rights and obligations hereunder shall cease.

15. This franchise shall not be assignable or transferable without the consent of the Council of the Corporation, save that the Company may, in the event of the Company proceeding with an application for incorporation under *The Ontario Companies Act* under the name of "Leamington Bus Company, Limited" or other similar name for the purpose of converting the said partnership known as "Leamington Bus Company" into a duly incorporated Company and provided such Company is duly incorporated and with powers to perform on its part the obligations and undertakings of the Company hereunder, then upon the Company transferring all its other assets to the said Limited Company, this franchise may be transferred and assigned by the Company to the said Limited Company.

16. This Agreement shall be binding upon and enure to the benefit of the Company, the members thereof and their respective heirs, executors and administrators, and the assigns of the Company (and the successor of any such assign which is in an incorporated Company) and shall be binding upon and enure to the benefit of the Corporation and its successor, but shall be so binding only to the extent to which the Corporation may legally bind itself to the provisions herein contained.

As WITNESS the hands and seals of the parties of the first part, and the corporate seal of the said Corporation, duly attested by its proper officers in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of

GEO. R. BRETT,

As to execution by the Parties of
the First Part.

(Seal)

ELDON M. ARMSTRONG (L.S.)
WILLIAM T. ARMSTRONG (L.S.)
HECTOR C. ARMSTRONG (L.S.)

THE CORPORATION OF THE
TOWN OF LEAMINGTON,
PHILIP FADER, *Mayor*.
W. E. SELKIRK, *Clerk*.

BILL

An Act respecting the Town of
Leamington.

1st Reading

2nd Reading

3rd Reading

MR. MURDOCH

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Leamington.

MR. MURDOCH

BILL

An Act respecting the Town of Leamington.

WHEREAS the Corporation of the Town of Leamington ^{Preamble.} by its petition has prayed for special legislation to confirm certain orders of the Ontario Municipal Board annexing parts of the Township of Mersea to the Town of Leamington, to validate a certain by-law and agreement, which has been approved by vote of the electors, with respect to a franchise to operate a passenger transport system in the Town of Leamington, to enable the Corporation to acquire lands in the Township of Mersea for the purpose of establishing a highway to accommodate part of the traffic entering the Town of Leamington from the South, and to enable the Corporation to provide for the cost of maintaining and repairing the Selkirk Drain in the manner hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Orders P.F. B-5735 and P.F. B-5736 of the Ontario ^{Annexation} Municipal Board dated the 8th day of January, 1947, set out ^{orders} confirmed. as schedules A and B hereto, are hereby confirmed.

(2) The said orders shall be deemed to have come into ^{Effective} effect on the 1st day of January, 1947. ^{date.}

2. By-law Number 1867 passed by the council of the ^{Bus} Corporation of the Town of Leamington and the Agreement ^{franchise} entered into pursuant thereto relating to the granting of an ^{validated.} exclusive transportation franchise for bus service within the limits of the Town of Leamington to Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, carrying on business under the name of Leamington Bus Company, which said By-law and Agreement are set out as schedule C hereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the Town of Leamington and the other parties thereto, and the council of

the Corporation of the Town of Leamington is hereby authorized and empowered to carry out its obligations thereunder and to enforce the terms thereof and to pass such other by-laws and do all such acts, matters or things as may be deemed necessary by the said council for the full and proper carrying out and enforcement of the provisions of the said By-law and Agreement, and to do any and all acts, matters or things that may be necessary to secure to Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, carrying on business under the name of Leamington Bus Company, an exclusive transportation franchise for bus service within the limits of the Town of Leamington as is provided in the said By-law and Agreement; but nothing in the said By-law or Agreement shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Rev. Stat.,
c. 289.

Acquisition
of certain
lands for
highway
purposes.

Rev. Stat.,
c. 266.

3. The Corporation of the Town of Leamington is authorized and empowered to acquire lands in the Township of Mersea for a public highway fifty feet or more in perpendicular width to extend from the south limit of that part of the Town of Leamington which lies west of a line drawn parallel to and distant six hundred and sixty feet west of Erie Street in the said Town, southerly to King's Highway No. 18, whether by private contract or under the provisions of *The Municipal Act* applicable to the expropriation of lands, and to establish and lay out the same as a public highway and to pay the cost thereof, and it shall not be necessary for the said Corporation to comply with any requirement of *The Municipal Act* as to publishing or posting up notice thereof or to obtain the approval of the Ontario Municipal Board as provided in section 502 of the said Act, and the said Corporation is further authorized and empowered to maintain the said public highway and to pay the cost of such maintenance after its establishment until such time as the same is assumed by the Corporation of the Township of Mersea, in the same manner as if the said public highway were included within the limits of the Town of Leamington.

Repair and
improvement
of
Selkirk
Drain.

4.—(1) The Corporation of the Town of Leamington is authorized and empowered to make repairs to the Selkirk Drain and its branches in the Town of Leamington and in the Township of Mersea from the points at which drainage from the said Town enters the same to the outlet of the said drain in Lake Erie, and may upon the report of an engineer or surveyor, or without a report upon a pro rata assessment on the lands and roads as last assessed for the construction or repair of the same, subject however to assessment on lands in the Town of Leamington being made pursuant hereto, make improvements thereto by deepening, widening, extending or covering the same or any part thereof, to the same extent as

the Corporation of the Township of Mersea is now empowered to do under *The Municipal Drainage Act*, which Act, save as ^{Rev. Stat., c. 278.} varied herein or in *The Town of Leamington Act, 1927*, shall ^{1927, c. 116.} be applicable to the Selkirk Drain and its branches.

(2) If any such repairs or improvements are made by the Corporation of the Town of Leamington without a report of an engineer or surveyor, any damage to lands arising therefrom shall be paid for by the said Corporation and if no settlement satisfactory to the owner alleging such damage is made, any owner alleging such damage may avail himself of sections 98 to 101 of *The Municipal Drainage Act*. ^{Damage to lands.}

(3) Nothing herein contained shall be deemed to affect the rights of the Corporation of the Township of Mersea or of the Corporation of the Town of Leamington or of any owner of land in the said Township or in the said Town to appeal as provided in *The Municipal Drainage Act*, provided that an appeal by an owner of lands in the Town of Leamington shall not be maintainable on any complaint of an overcharge in the assessment of his lands or of an undercharge in the assessment of other lands in the Town of Leamington, but any such owner may appeal on the ground that his lands do not drain into the Selkirk Drain or any branch thereof and that his lands are not properly assessable for any amount or on the ground that other lands in the Town of Leamington are improperly omitted from assessment. ^{Rights to appeal not affected. Proviso.}

(4) The part of the cost of the work, improvements or repairs, whether now pending or hereafter to be done, properly assessable against lands in the Town of Leamington, shall be assessed against the Corporation of the Town of Leamington and the said Corporation may levy the cost thereof against lands and buildings in the parts of the Town of Leamington properly assessable therefor by a special mill rate upon the assessed value of such lands and buildings in each year for the currency of any debentures issued therefor and it shall not be necessary to make out a special assessment roll in respect of such assessments. ^{Provision for cost of repairs, etc.}

(5) Notwithstanding any provision of *The Municipal Drainage Act* requiring notices to be served by mail or otherwise, any such notice required to be given by the clerk of the Town of Leamington may be served by publication in two successive issues of a newspaper published in the said Town. ^{Service of notices.}

(6) The Corporation of the Town of Leamington may without the assent of the electors borrow upon debentures the amount of its proportion of the cost of any work, improvements or repairs and shall levy annually upon the lands and buildings in the Town of Leamington liable therefor during the ^{Debentures.}

currency of the debentures a special rate according to the assessed value thereof sufficient for the payment of the debentures.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Town of Leamington Act, 1947*.

SCHEDULE A

P.F. B-5735.

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 8th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, and
W. J. MOORE, Esq., O.L.S.,
Member.

IN THE MATTER OF *The Municipal Act*, R.S.O. 1937, Chapter 266, Section 23, as amended by *The Municipal Amendment Act, 1939*, Chapter 30, Section 2, and

IN THE MATTER OF the application of the Corporation of the Town of Leamington, for annexation to the Town of Leamington of certain lands in the Township of Mersea, being part of Lot 6 in the Broken Front Concession of the said Township, adjoining Seacliffe Park.

Upon the application of the Corporation of the Town of Leamington, upon reading a certified copy of a Resolution of the Council of the Corporation of the Town of Leamington declaring it expedient to annex the lands hereinafter described and a Petition therefor of Walter Spurr and others, being all the property owners and including all the municipal electors, in that part of the Township of Mersea proposed to be annexed, the Affidavit of William Elmer Selkirk, as to service of certified copies thereof and of Notice thereof, upon the Clerk of the Corporation of the Township of Mersea, a certified copy of a Resolution of the Corporation of the Township of Mersea consenting to and approving the said proposed annexation, a Certificate of the Clerk of the Corporation of the Township of Mersea showing three municipal electors and six other property owners in that part of the Township of Mersea so proposed to be annexed, the Appointment of the Board for hearing and the Affidavit of Violet A. Cross as to service of a true copy of the said Appointment and Notice thereof on the Clerk of the Corporation of the Township of Mersea, the Affidavit of George Slaney as to service of the said Appointment and Notice thereof on the Secretary of the Public School Board of Section South Western of the Township of Mersea, the Affidavit of Milton Rocheleau as to service of the said Appointment and Notice thereof on the Clerk of the Corporation of the County of Essex, and the Affidavit of Violet A. Cross as to service of the said Appointment and Notice thereof by registered post, on Walter Spurr and Ruth Spurr, W. E. Wallace, Lillian Brown, W. E. Cowley, Charles Deitch, Ronald R. Martin, Frank Costanza and Peter Costanza, being all of the property owners and including all the municipal electors in the said part of the Township of Mersea proposed to be annexed, and this application having been heard by the Board this day at the Town of Leamington, upon due notice to all parties affected and no one appearing to oppose the application, the Board orders and directs that the following lands in the Township of Mersea, namely,

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Mersea, in the County of Essex and Province of Ontario, and being composed of part of Lot Number Six (6) in the Broken Front or First Concession of the said Township of Mersea, which said parcel or tract may be more particularly described as follows, that is to say: Commencing at a stake planted in the easterly limit of the lands conveyed by Henrietta Robinson to Albert M. Wehenkel, more particularly described in Deed dated the 22nd day of December, 1936, and registered as Number 26189 for the Township of Mersea, and which said easterly limit has a bearing of south Three degrees and Three minutes West (S. 3° 3' W.), and is distant Twelve Hundred and Forty-two feet and Six inches (1,242' 6") measured westerly along the southerly limit

of the road known as the First Concession Road (now Provincial Highway No. 18), from the westerly limit of the road between Lots 6 and 7 (Erie Street), said stake being distant Four Hundred and Eighty feet (480') measured southerly in the said easterly limit of the lands conveyed to said Wehenkel from the southerly limit of the said Provincial Highway No. 18; thence Easterly parallel with the southerly limit of said Provincial Highway No. 18, a distance of Thirty feet (30') more or less to a stone monument planted in the west limit of the lands conveyed by Forest H. Conover and wife to the Corporation of the Town of Leamington for park purposes by Deed registered Number 3607 for Leamington, and which lands are now known as Seacliffe Park; thence south Three degrees and Three minutes West (S. 3° 3' W.) parallel to the easterly limit of the lands conveyed to said Wehenkel as aforesaid, and in the west limit of the Town of Leamington, a distance of Eight Hundred and Forty-five feet (845') more or less to the water's edge of Lake Erie; thence Westerly following the said water's edge, Thirty feet (30') more or less to the production of a line drawn on a course of south Three degrees and Three minutes West (S. 3° 3' W.) from the point of commencement, and in the production of the easterly limit of the lands conveyed to Wehenkel as aforesaid; thence North Three degrees and Three minutes East (N. 3° 3' E.) in the said production and in the said limit, Eight Hundred and Forty-five feet (845') more or less to the point of commencement;

be and the same are hereby annexed to the Corporation of the Town of Leamington upon the terms and conditions as follows:

1. That the said annexation shall take effect only upon confirmation of this Order by an Act of the Legislature of the Province of Ontario and subject thereto shall take effect on the 31st day of December, 1946, at midnight, or on such other day and time as shall be named in the said Act.

2. This Board may, pursuant to any application therefor, make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable.

(Seal)

R. S. COLTER,
Chairman.

SCHEDULE B

P.F. B-5736.

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 8th day of January, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman; andW. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF *The Municipal Act*, R.S.O. 1937; Chapter 266, Section 23, as amended by *The Municipal Amendment Act, 1939*, Chapter 30, Section 2, and

IN THE MATTER OF the application of the Corporation of the Town of Leamington, for annexation to the Town of Leamington of certain lands in the Township of Mersea, being part of Lot 242, S.T.R., in the said Township of Mersea, comprising 24.487 acres.

Upon the application of the Corporation of the Town of Leamington, upon reading a certified copy of a Resolution of the Council of the Corporation of the Town of Leamington declaring it expedient to annex the lands hereinafter described, the Affidavit of William Elmer Selkirk as to service of certified copies thereof, and of Notice thereof upon the Clerk of the Corporation of the Township of Mersea, the Affidavit of Violet A. Cross as to service of certified copies thereof and of Notice thereof on Neil K. Maynard, the owner of the lands proposed to be annexed prior to conveyance thereof by him to the Corporation of the Town of Leamington, the consent of the said Neil K. Maynard, a certified copy of a Resolution of the Corporation of the Township of Mersea, consenting to and approving the said proposed annexation, a Certificate of the Clerk of the Corporation of the Township of Mersea showing no municipal electors in that part of the Township of Mersea so proposed to be annexed, the Appointment of the Board for hearing and the Affidavit of Violet A. Cross as to service of a true copy of the said Appointment and Notice thereof on the Clerk of the Corporation of the Township of Mersea, the Affidavit of George Slaney as to service of the said Appointment and Notice thereof on the Secretary of the Public School Board of Section No. 22 of the Township of Mersea, the Affidavit of Milton Rocheleau as to service of the said Appointment and Notice thereof on the Clerk of the Corporation of the County of Essex, and this application having been heard by the Board this day at the Town of Leamington, upon due notice to all parties affected and no one appearing to oppose the application, the Board orders and directs that the following lands in the Township of Mersea, namely,

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Mersea, in the County of Essex and Province of Ontario, being composed of part of Farm Lot No. 242, South Talbot Road, in the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a stake planted in the Westerly limit of said Farm Lot No. 242 (being the Easterly limit of the Corporation of the Town of Leamington) at a distance of Five Hundred and Three feet (503') measured on a course of South Two degrees Forty-six minutes West (S. 2° 46' W.) along the last mentioned limit from the Northerly limit of said lot (being the Southerly limit of the Talbot Road—King's Highway No. 3); thence South Eighty-seven degrees Fourteen minutes East (S. 87° 14' E.) Seven Hundred and Thirteen feet (713') to a stake; thence South Two degrees Forty-six minutes West (S. 2° 46' W.) Fourteen Hundred and Ninety-six feet (1,496') to a stake planted at a distance of Eleven Hundred and Thirty-eight feet (1,138') measured Northerly from the Southerly limit of said

Lot 242 (Second Concession Road) on a line parallel with the said westerly limit of Lot 242; thence North Eighty-seven degrees Fourteen minutes West (N. $87^{\circ} 14' W.$) Seven Hundred and Thirteen feet (713') to a stake planted in the said Westerly limit of Farm Lot No. 242; thence North Two degrees Forty-six minutes East (N. $2^{\circ} 46' E.$) following the last mentioned limit, Fourteen Hundred and Ninety-six feet (1,496') more or less to the place of beginning. Containing by admeasurement the sum of Twenty-four and Four Hundred and Eighty-seven One-Thousandths acres (24.487 ac.) be the same more or less;

be and the same are hereby annexed to the Corporation of the Town of Leamington upon the terms and conditions as follows:

1. That the said annexation shall take effect only upon confirmation of this Order by an Act of the Legislature of the Province of Ontario, and subject thereto shall take effect on the 31st day of December, 1946, at midnight, or on such other day and time as shall be named in the said Act.

2. This Board may, pursuant to any application therefor, make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable.

(Seal)

R. S. COLTER,
Chairman.

SCHEDULE C

BY-LAW NUMBER 1867

TOWN OF LEAMINGTON

A By-law respecting the Leamington Bus Company and granting of a franchise to operate a Passenger Transport System in the Town of Leamington.

WHEREAS Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, all of the Town of Leamington, carrying on business under the name of Leamington Bus Company, have been furnishing public transportation to the people of the Town of Leamington by means of buses during the present year;

AND WHEREAS the said Eldon M. Armstrong, William T. Armstrong and Hector C. Armstrong, carrying on business as Leamington Bus Company, hereinafter called the Applicants, have requested the Corporation of the Town of Leamington to grant to them (and with the right of assignment thereof to a Company to be known as Leamington Bus Company Limited, when incorporated) an exclusive bus transportation franchise entitling them to use certain streets in the Town of Leamington for a period of ten years;

AND WHEREAS Agreement bearing date the 28th day of October, 1946, has been arranged to the mutual satisfaction of the said Corporation and the said Applicants, to grant the said Applicants an exclusive bus transportation franchise entitling them to operate a passenger transportation system on certain streets in the said Town of Leamington for a period of ten years;

AND WHEREAS the said Agreement sets out the obligations, terms and conditions binding upon the Corporation and the Applicants, which Agreement is attached hereto and set forth as Schedule "A" to this By-law and made a part thereof;

NOW THEREFORE the Corporation of the Town of Leamington, by its Municipal Council, enacts as follows:

1. That the Mayor and Clerk of the Corporation of the Town of Leamington be and they are hereby directed and authorized to sign the said Agreement dated the 28th day of October, 1946, which Agreement is hereby incorporated in and forms part of this By-law and the said Clerk is hereby directed and authorized to affix the Corporate Seal of the Corporation to the said Agreement.

2. This By-law shall not come into force and take effect until it has been assented to by the Municipal Electors of the Town of Leamington as provided by *The Municipal Act*, R.S.O. 1937, Cap 266 (and confirmed and validated by an Act of the Legislature of the Province of Ontario).

PASSED AND ENACTED this 13th day of January, 1947.

PHILIP FADER,
Mayor.

W. E. SELKIRK,
Clerk.

(Seal)

Schedule "A"

THIS AGREEMENT made in triplicate this 28th day of October, A.D. 1946,

BETWEEN:

ELDON M. ARMSTRONG, WILLIAM T. ARMSTRONG and
HECTOR C. ARMSTRONG, all of the Town of Leamington,
in the County of Essex, carrying on business under the
name of "Leamington Bus Company" (hereinafter
called "the Company")

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWN OF LEAMINGTON (here-
inafter called "the Corporation")

OF THE SECOND PART.

WHEREAS the Company has made application to the Corporation for rights over, through and upon the streets, avenues and public highways in the Town of Leamington, for the purpose of operating a passenger transportation system on a regular time schedule adaptable to traffic conditions;

AND WHEREAS the Corporation is desirous of granting such rights exclusively to the Company and permitting the Company to operate a passenger transportation system in the Town of Leamington, as aforesaid, for the convenience of its citizens and deems it advisable to enter into this agreement with the Company and to submit a By-law to the electors to ratify the same;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the parties hereto do hereby undertake covenant and agree as follows:

1. Subject to the agreements, obligations, terms and conditions hereinafter contained, the Corporation hereby grants to the Company as hereinafter provided, an exclusive right, franchise and privilege for the full period of ten years from and after the date when a by-law approving this agreement takes effect, to operate a passenger transportation system on a time schedule and for such purpose to maintain and operate busses and other vehicles operated by gasoline or other motive power together with any rolling stock and equipment necessary and incidental thereto, and upon the terms mentioned in and authorized by this Agreement, over, through, and upon the streets of the Corporation and to operate upon a schedule as to days of the week, daily service, frequency of service as hereinafter set forth.

2. Notwithstanding anything hereinbefore contained, should the Company for any reason fail to operate the said passenger transportation system, the Corporation by its Council may grant or permit to be granted to any person, partnership, Company or Corporation, the right to operate a transportation system as long as such failure continues, and the Corporation may give the Company notice, in writing, setting out the particulars in which the Company has failed to perform or violated any of the covenants, and obligations herein set out; such notice to be given by registered mail directed to the Company at Leamington, Ontario, and in that event any matters in dispute shall be submitted to arbitration in the manner provided.

3. The granting of the franchise as in clause 1 hereof provided is subject to and conditioned on compliance with and fulfillment of the following covenants of the Company and which are a condition precedent to the granting of the said franchise:

(a) The Company shall commence to operate the transportation system herein set out within fifteen days after a By-law approving this agreement takes effect and shall during the said term of ten years (or any extension thereof) provide adequate transportation service for passengers within the limits of the Town of Leamington and equipment and personnel in accordance with reasonable traffic requirements from time to time and in accordance with the schedule or schedules filed by the Company with the Clerk of the Corporation from time to time.

(b) All vehicles used or operated under the authority of this agreement shall be at all times fully equipped with approved safety devices and shall be kept and maintained in first class serviceable condition and present at all times a good appearance and all vehicles, while in operation, shall be kept in a clean, sanitary condition. The Company shall obtain further modern busses for regular routes as soon as same are available after operation commences.

(c) All drivers and operators of vehicles, while in operation, shall be capable, sober and prudent men, upwards of twenty-one years of age and possessed of a chauffeur's license, under the laws of the Province of Ontario, and it shall be the duty of every such driver to keep and observe all and every provision of *The Highway Traffic Act* and of all other statutes (Provincial and Federal), Regulations and Municipal By-laws which are applicable and whether now or hereafter in force, as well as the provisions of this agreement.

(d) The Company shall at all times in the operation of the said vehicles comply with the provisions of *The Highway Traffic Act* and all Municipal, Provincial and Federal laws, rules and regulations affecting them or relating to public vehicles.

(e) The Company shall at all times keep the said vehicles insured in a Company satisfactory to the Corporation against public liability, liability to passengers and public and property damage and be responsible for all accidents resulting from its negligence or through the negligence of its agents or workmen in operating any vehicle. The said insurance shall at least, indemnify against such liability, for injuries to any one person, for any one accident or for property damage to the amounts provided by the regulations respecting the licensing of public vehicles or by any statute or regulation of the Province of Ontario and shall at all times keep such policies on file in the office of the Town Clerk, and further shall indemnify and save the Corporation harmless from any and all costs or damages which may accrue in any manner by reason of any negligent act of omission or commission in the operation of any vehicle or vehicles as herein set out, or otherwise.

(f) The Company shall maintain a passenger transport service to meet the requirements of the Corporation from time to time in, over and upon such streets and upon such schedule as to days of the week, daily service, frequency of service, stopping places and fares as has been or may be mutually agreed upon from time to time between the Company and the Council of the Corporation and in the event of the Corporation and the Company failing to agree at any time upon the service routes, schedules and fares or any of the matters herein referred to, the point or points in dispute shall be referred to the Senior Judge of the County Court of the County of Essex as sole arbitrator under the provisions of *The Arbitration Act*, and the said arbitrator shall publish his award in writing signed by him considering the matters to him referred and the parties hereto covenant that they will well and truly stand to, abide by, observe, perform and fulfill the award and determination of the said arbitrator, hereby appointed, of and concerning the matters referred to him, subject to the right of Appeal therefrom as provided in the said Arbitration Act.

4. The following fare schedule shall apply to the users of the passenger transport system:

- (a) Single cash fare—10c.
- (b) Tickets—three tickets for 25c.
- (c) Children under 12 years of age, cash fare—5c.

Payment of a fare, either by cash or by ticket, shall entitle a passenger to ride from any point within a route to any other point served by the Company in the Town, and for the purpose of making such journey the passenger shall be entitled to transfer (in the event that more than one route is established) from one route to another route, within the Municipal limits, as may be necessary to reach his destination, without the payment of an additional fare. The Company shall have the right to change the foregoing fare schedule after first having obtained the approval thereto of the Council of the Corporation.

5. The Company may from time to time make rules and regulations governing the conduct of passengers on its busses and premises, the payment of fares, use of fare tickets and transfers and other matters pertaining to the relationship between the Company and the passengers or prospective passengers. The Council of the Corporation reserves the right to approve of routes of busses, rates of fare and the aforesaid regulations as they may be modified from time to time; a copy of which rules and regulations shall be filed with the Clerk of the Corporation and when so approved shall form part of this agreement as if the same had been incorporated herein.

6. Policemen in the employ of the Corporation shall be carried free when in uniform and on duty.

7. Upon the request of the Company in writing made at any time after the expiration of seven years from the taking effect of a By-law approving this agreement provided that the Company has fully complied with the terms and conditions hereof, the Corporation shall submit to the electors a By-law authorizing the renewal of this franchise for a further term of ten years from the expiration of the same upon the same terms and conditions.

8. If notwithstanding the statutory duty of the Corporation to maintain the streets, intersections, pavements and roadways in a reasonably safe and passable condition, owing to unusual weather conditions, or other circumstances, the routes designated for travel by the Company or any of such routes are in the opinion of the Company unsafe or unpassable for its purposes, the Company may thereupon interrupt the bus service upon the route or routes which are unsafe, until the dangerous condition is remedied or at its option may re-route its busses, but in such event shall notify the Mayor of the Corporation or such other person as is designated in writing by him of such suspension or re-routing of service, or the Company at its option may provide its own equipment at its own expense to the extent necessary to remove ice or snow to permit the further operation of its busses, in which event the Company shall promptly notify the Mayor or such person as he may in writing designate promptly thereof.

9. The Corporation will take all necessary steps to avoid congestion of traffic and as far as possible to facilitate the free passage of busses upon its streets in order that schedules may be maintained.

10. The Corporation may create and designate such restricted parking areas, one-way streets and "no parking" areas as it is empowered to do and as in its discretion are necessary and to make provision for bus stops and shall enforce obedience thereto and shall designate and enforce such other traffic regulations as traffic conditions may from time to time require and so as to implement the provisions of this agreement.

11. Nothing herein contained shall make the Corporation liable in any way to any person who suffers loss, damage or injury by reason of the negligence of the Company or their workmen, servants or agents.

12. The Corporation may apply to the Legislative Assembly of the Province of Ontario for legislation validating this agreement and the by-law authorizing the execution of the same at the cost of the Company and the Company shall indemnify the Corporation against and shall pay all costs incurred by the Corporation in respect thereof, and in preparation of this agreement, the by-law authorizing the execution of the same, the by-law, advertisement and other proceedings for taking a vote of the Electors of the Corporation, all solicitors costs to be taxed if so required by the Company.

13. Save as aforesaid, during the term of this agreement the Corporation shall not in any way depreciate the right, privilege or franchise hereby granted and shall not grant to any other person, partnership, firm or corporation any right, license or franchise to maintain or operate any street railway or bus line or jitney for local passenger trips, the operation of which shall come into competition with the transportation system of the Company. Provided that this section shall not apply to any ordinary cabs, or taxi cabs kept for hire and used for transportation not over a fixed route, at fares fixed by the Council of the Corporation, nor to any school bus, whether chartered, hired or operated by a School Board for the transportation exclusively of school children to and from school.

The Corporation covenants and agrees to do all in its power to carry out the terms and spirit of this agreement and to that end will assist the Company in every way possible.

14. If at any time the Bus Company wishes to terminate this franchise it may do so on six months' written notice to the Corporation and in such event all rights and obligations hereunder shall cease.

15. This franchise shall not be assignable or transferable without the consent of the Council of the Corporation, save that the Company may, in the event of the Company proceeding with an application for incorporation under *The Ontario Companies Act* under the name of "Leamington Bus Company, Limited" or other similar name for the purpose of converting the said partnership known as "Leamington Bus Company" into a duly incorporated Company and provided such Company is duly incorporated and with powers to perform on its part the obligations and undertakings of the Company hereunder, then upon the Company transferring all its other assets to the said Limited Company, this franchise may be transferred and assigned by the Company to the said Limited Company.

16. This Agreement shall be binding upon and enure to the benefit of the Company, the members thereof and their respective heirs, executors and administrators, and the assigns of the Company (and the successor of any such assign which is in an incorporated Company) and shall be binding upon and enure to the benefit of the Corporation and its successor, but shall be so binding only to the extent to which the Corporation may legally bind itself to the provisions herein contained.

As WITNESS the hands and seals of the parties of the first part, and the corporate seal of the said Corporation, duly attested by its proper officers in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of

GEO. R. BRETT,

As to execution by the Parties of
the First Part.
(Seal)

ELDON M. ARMSTRONG (L.S.)
WILLIAM T. ARMSTRONG (L.S.)
HECTOR C. ARMSTRONG (L.S.)

THE CORPORATION OF THE
TOWN OF LEAMINGTON,
PHILIP FADER, *Mayor*.
W. E. SELKIRK, *Clerk*.

BILL

An Act respecting the Town of
Leamington.

1st Reading

March 13th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. MURDOCH

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Waterloo.

MR. CHAPLIN

(PRIVATE BILL)

BILL

An Act respecting the Town of Waterloo.

WHEREAS the Town by its petition has represented that Preamble.
its population is now upward of 10,000 and is increasing rapidly, that it is the centre of a prosperous agricultural district, that it has many large manufactories located within its limits and that it is an important insurance centre containing the head offices of large insurance companies; whereas many of the business men, manufacturers, residents and the Board of Trade of the Town have urged the council thereof to apply to have the Town erected into a city; whereas the said council on the 9th day of December, 1946, did submit for the opinion of the electors of the Town the question "Are you in favour of applying to the Ontario Legislature for legislation to incorporate Waterloo as a City?" when of the 2,836 electors voting on the question 2,673 voted in the affirmative and 163 voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "City" shall mean the City of Waterloo or the "City"; Corporation of the City of Waterloo as the context requires; and
- (b) "Town" shall mean the Town of Waterloo or the "Town". Corporation of the Town of Waterloo as the context requires.

2. The Town is hereby erected into a city under the name City of Waterloo erected. of "The City of Waterloo" and the corporation known as "The Corporation of the Town of Waterloo" is hereby continued under the name of "The Corporation of the City of Waterloo".

Powers,
etc.

Rev. Stat.,
c. 266.

3. The City shall have all the rights, powers and privileges enjoyed and exercised by a city erected under *The Municipal Act*.

Relation-
ship with
County.

4. The City shall be united to and form part of the County of Waterloo for judicial purposes but shall not form part of the said County for municipal purposes.

Wards.

5. The City shall be divided in the same manner as the Town is divided, namely, into four wards, East Ward, West Ward, North Ward and South Ward, and the boundaries of the wards shall continue as they are, unless hereafter changed under *The Municipal Act*.

Council.

6.—(1) The council of the City shall consist of a mayor and eight aldermen elected by general vote, unless hereafter changed under *The Municipal Act*.

1948
election.

(2) The meeting for the nomination of candidates for the council of the City for the year 1948 and the election of the members thereof and all proceedings incidental thereto shall be had in the same manner as is provided by the by-laws of the Town, and the clerk of the Town shall be the returning officer to perform the duties of a returning officer as prescribed by *The Municipal Act*, and in the event of any matter arising not provided for by the said by-laws the provisions of *The Municipal Act* shall apply.

Other
elections.

(3) Save as provided in subsection 2, the proceedings with respect to all elections to fill the offices of mayor and aldermen of the City and all other elections, if any, shall be held under and in accordance with *The Municipal Act*.

Application
of Rev. Stat.,
c. 266.

7. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations and all other provisions of the said Act applicable to cities except as varied by this Act shall apply to the City in the same manner as if the Town had been erected into the City under the said Act.

Powers of
Ontario
Municipal
Board.

8. Upon the application of the City the Ontario Municipal Board may make such orders not inconsistent with this Act as the Board may deem necessary or advisable consequent upon the erection of the Town into the City.

Commence-
ment of Act.

9. This Act shall come into force on the 1st day of January, 1948, but the proceedings with respect to the election of the members of the council of the City for the year 1948 shall be

taken in the year 1947 in the same manner as if this Act had come into force on the day upon which it received the Royal Assent

10. This Act may be cited as *The City of Waterloo Act*, Short title. 1947.

An Act respecting the Town of Waterloo.

1st Reading

2nd Reading

3rd Reading

MR. CHAPLIN

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Waterloo.

MR. CHAPLIN

BILL

An Act respecting the Town of Waterloo.

WHEREAS the Town by its petition has represented that Preamble. its population is now upward of 10,000 and is increasing rapidly, that it is the centre of a prosperous agricultural district, that it has many large manufactories located within its limits and that it is an important insurance centre containing the head offices of large insurance companies; whereas many of the business men, manufacturers, residents and the Board of Trade of the Town have urged the council thereof to apply to have the Town erected into a city; whereas the said council on the 9th day of December, 1946, did submit for the opinion of the electors of the Town the question "Are you in favour of applying to the Ontario Legislature for legislation to incorporate Waterloo as a City?" when of the 2,836 electors voting on the question 2,673 voted in the affirmative and 163 voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "City" shall mean the City of Waterloo or the "City"; Corporation of the City of Waterloo as the context requires; and
- (b) "Town" shall mean the Town of Waterloo or the "Town". Corporation of the Town of Waterloo as the context requires.

2. The Town is hereby erected into a city under the name City of Waterloo erected. of "The City of Waterloo" and the corporation known as "The Corporation of the Town of Waterloo" is hereby continued under the name of "The Corporation of the City of Waterloo".

Powers,
etc.

Rev. Stat.,
c. 266.

Relation-
ship with
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1948
election.

Other
elections.

Application
of Rev. Stat.,
c. 266.

Powers of
Ontario
Municipal
Board.

Commence-
ment of Act.

3. The City shall have all the rights, powers and privileges enjoyed and exercised by a city erected under *The Municipal Act*.

4. The City shall be united to and form part of the County of Waterloo for judicial purposes but shall not form part of the said County for municipal purposes.

5. The City shall be divided in the same manner as the Town is divided, namely, into four wards, East Ward, West Ward, North Ward and South Ward, and the boundaries of the wards shall continue as they are, unless hereafter changed under *The Municipal Act*.

6.—(1) The council of the City shall consist of a mayor and eight aldermen elected by general vote, unless hereafter changed under *The Municipal Act*.

(2) The meeting for the nomination of candidates for the council of the City for the year 1948 and the election of the members thereof and all proceedings incidental thereto shall be had in the same manner as is provided by the by-laws of the Town, and the clerk of the Town shall be the returning officer to perform the duties of a returning officer as prescribed by *The Municipal Act*, and in the event of any matter arising not provided for by the said by-laws the provisions of *The Municipal Act* shall apply.

(3) Save as provided in subsection 2, the proceedings with respect to all elections to fill the offices of mayor and aldermen of the City and all other elections, if any, shall be held under and in accordance with *The Municipal Act*.

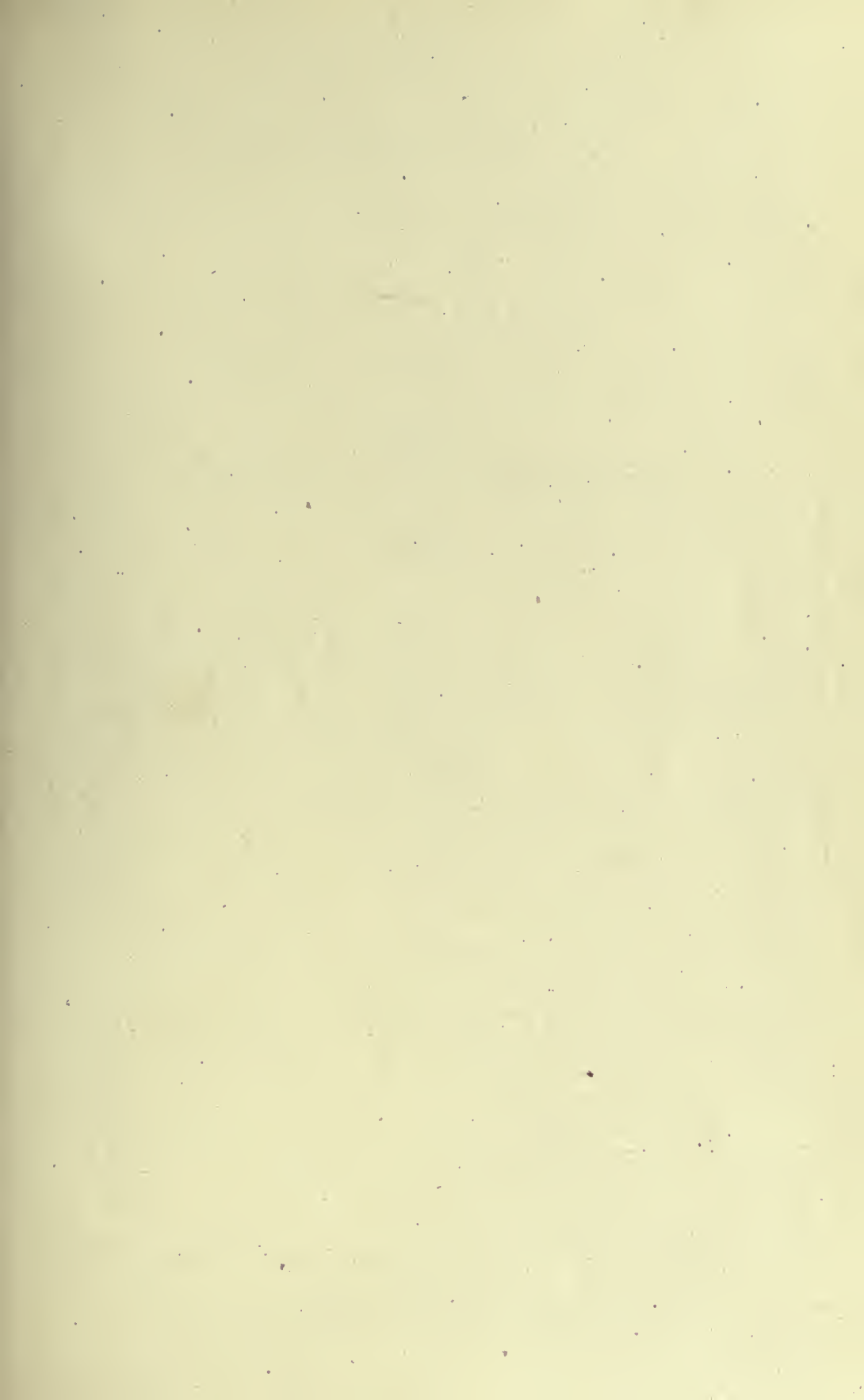
7. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations and all other provisions of the said Act applicable to cities except as varied by this Act shall apply to the City in the same manner as if the Town had been erected into the City under the said Act.

8. Upon the application of the City the Ontario Municipal Board may make such orders not inconsistent with this Act as the Board may deem necessary or advisable consequent upon the erection of the Town into the City.

9. This Act shall come into force on the 1st day of January, 1948, but the proceedings with respect to the election of the members of the council of the City for the year 1948 shall be

taken in the year 1947 in the same manner as if this Act had come into force on the day upon which it received the Royal Assent

10. This Act may be cited as *The City of Waterloo Act*, Short title. 1947.



BILL

An Act respecting the Town of Waterloo.

1st Reading

March 13th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. CHAPLIN

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Campbellford.

MR. WILSON

(PRIVATE BILL)

BILL

An Act respecting the Town of Campbellford.

WHEREAS the Corporation of the Town of Campbellford ^{Preamble.} by its petition has represented that a parcel of land 330 feet square at what otherwise would have been the junction of Market and Rear Streets was dedicated as "Market Reserve" and that the use thereof is restricted; and whereas the petitioner has prayed for special legislation to vest in fee simple the said "Market Reserve", other than the highways therein, in the said Corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The lands, other than highways, composing the ^{Market Reserve} Market Reserve, as the same appears on the Town Plan, are ^{vested in Corporation.} hereby vested in fee simple in the Corporation of the Town of Campbellford.

(2) Each of the four parcels into which the said lands are ^{Division into lots.} now divided shall be divided into two equal lots numbered as follows, in each case commencing at the North, viz.: on the East side of Rear Street, Numbers 18 and 17 in Block "I" and Numbers 16 and 15 in Block "H", and on the West side of Rear Street, Numbers 18 and 17 in Block "E" and Numbers 16 and 15 in Block "D".

(3) All trusts, special purposes and restrictions created or ^{Restrictions annulled.} arising out of the dedication of the said lands are hereby annulled.

(4) Notwithstanding any such trusts, special purposes and ^{Power to sell, etc.} restrictions created or arising out of such dedication, the said Corporation shall have power to sell, lease, convey and contract in regard to the said lands.

Execution of documents. (5) Every disposition of or contract in regard to the said lands or any part thereof shall be under the seal of the said Corporation and signed by the Mayor and Clerk thereof for the time being.

Application of proceeds. (6) The proceeds of every disposition by the said Corporation of the said lands shall be held and applied by it for the general purposes or uses of the said Corporation.

Commencement of Act. 2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 3. This Act may be cited as *The Town of Campbellford Act, 1947*.

BILL

An Act respecting the Town of
Campbellford.

1st Reading

2nd Reading

3rd Reading

MR. WILSON

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Campbellford.

MR. WILSON

BILL

An Act respecting the Town of Campbellford.

WHEREAS the Corporation of the Town of Campbellford ^{Preamble.} by its petition has represented that a parcel of land 330 feet square at what otherwise would have been the junction of Market and Rear Streets was dedicated as "Market Reserve" and that the use thereof is restricted; and whereas the petitioner has prayed for special legislation to vest in fee simple the said "Market Reserve", other than the highways therein, in the said Corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The lands, other than highways, composing the Market Reserve, as the same appears on the Town Plan, are hereby vested in fee simple in the Corporation of the Town of Campbellford. ^{Market Reserve vested in Corporation.}

(2) Each of the four parcels into which the said lands are now divided shall be divided into two equal lots numbered as follows, in each case commencing at the North, viz.: on the East side of Rear Street, Numbers 18 and 17 in Block "I" and Numbers 16 and 15 in Block "H", and on the West side of Rear Street, Numbers 18 and 17 in Block "E" and Numbers 16 and 15 in Block "D". ^{Division into lots.}

(3) All trusts, special purposes and restrictions created or arising out of the dedication of the said lands are hereby annulled. ^{Restrictions annulled.}

(4) Notwithstanding any such trusts, special purposes and restrictions created or arising out of such dedication, the said Corporation shall have power to sell, lease, convey and contract in regard to the said lands. ^{Power to sell, etc.}

Execution of documents.

(5) Every disposition of or contract in regard to the said lands or any part thereof shall be under the seal of the said Corporation and signed by the Mayor and Clerk thereof for the time being.

Application of proceeds.

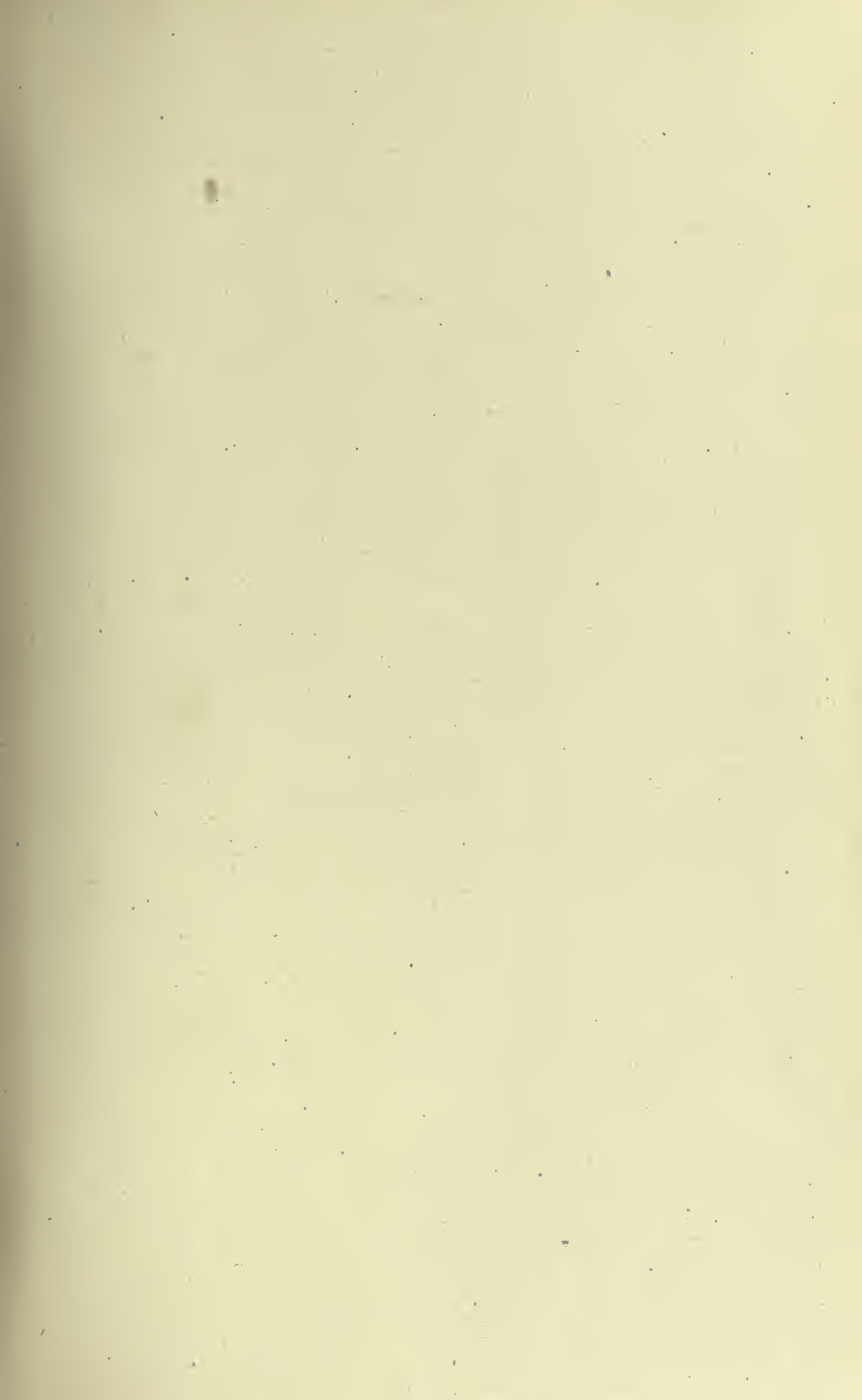
(6) The proceeds of every disposition by the said Corporation of the said lands shall be held and applied by it for the general purposes or uses of the said Corporation.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Town of Campbellford Act, 1947*.



BILL

An Act respecting the Town of
Campbellford.

1st Reading

March 13th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. WILSON

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Kingston.

MR. STEWART (Kingston)

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY THE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 13

1947

BILL

An Act respecting the City of Kingston.

WHEREAS the Corporation of the City of Kingston ^{Preamble.} by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing parts of the Township of Kingston and of the Village of Portsmouth to the City of Kingston; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Order P.F. B-4816 of the Ontario Municipal Board ^{Annexation order confirmed.} dated the 31st day of December, 1946, set out as schedule A hereto, is hereby confirmed.

(2) The said Order shall be deemed to have taken effect ^{Effective date.} on the 1st day of January, 1947.

(3) The lands annexed to the City of Kingston, when added ^{Assessment and taxation.} to the assessment rolls of the City of Kingston for the year 1946 pursuant to the said Order, shall be assessed and all proceedings shall be taken under *The Assessment Act* as if the ^{Rev. Stat., c. 272.} lands had been entered upon the said rolls under the said Act, and when the assessments thereof have been revised and confirmed the said lands shall be liable to taxation in the year 1947 at the same rate as other lands in the City of Kingston.

2. This Act shall come into force on the day upon which it ^{Commencement of Act.} receives the Royal Assent.

3. This Act may be cited as *The City of Kingston Act, 1947*. ^{Short title.}

SCHEDULE A

P.F. B-4816.

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 31st day of December, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andW. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF Section 23 of *The
Municipal Act* (R.S.O. 1937, Chap-
ter 266), and amending Acts thereto,
andIN THE MATTER OF the application of
the Corporation of the City of King-
ston for annexation to the City of
Kingston of parts of the Township
of Kingston and the Village of Ports-
mouth.

Upon the application of the Corporation of the City of Kingston, and upon reading its By-law No. 499, passed on the 30th day of December, 1946, amending its By-law No. 445 as amended by its By-law No. 453 authorizing the annexation of certain parts of the Township of Kingston and the Village of Portsmouth to the City of Kingston and it appearing that the Corporation of the Village of Portsmouth desires to annex to the City of Kingston that part of the Village of Portsmouth described in the By-law No. 499 of the City of Kingston, and upon being satisfied that notice of the hearing, held on the 27th day of June, 1946, at the Board's Chambers, had been given as directed, and no objection having been filed,

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of Kingston and those parts of the Village of Portsmouth in the County of Frontenac described in the schedule hereto be and the same are hereby annexed to the City of Kingston subject to the following terms and conditions:

1. That the said parts of the Township of Kingston and the said parts of the Village of Portsmouth be annexed to the City of Kingston from and after the date fixed for this Order to take effect by the Act of the Legislature of the Province of Ontario confirming this Order, shall be added to the assessment rolls of the City of Kingston for the year 1946 upon which taxes will be levied for the year 1947.

2. That all taxes imposed by the Township of Kingston and by the Village of Portsmouth upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Kingston and to the Corporation of the Village of Portsmouth respectively.

3. That the Corporation of the City of Kingston shall have the right to collect all the said taxes owing to the Corporation of the Township of Kingston and/or to the Corporation of the Village of Portsmouth and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the City of Kingston, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same shall be paid over by the Corporation of the City of Kingston to the Corporation of the Township of Kingston and/or to the Corporation of the Village of Portsmouth respectively within six months from the date of collection.

4. That all rights, titles and interests of the Corporation of the Township of Kingston and of the Corporation of the Village of Portsmouth

in any of the said lands described in the schedule hereto including all roads, streets and allowances therefor, shall vest from and after the said date in the Corporation of the City of Kingston.

5. That the Corporations of the City of Kingston, the Township of Kingston, the Village of Portsmouth and the County of Frontenac shall be entitled to and shall be bound to make an adjustment of assets and liabilities pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act* shall apply as between the municipalities and school sections affected by this Order and, in the event of the parties hereto not being able to agree upon the adjustment of such assets and liabilities, then all such questions of adjustments may be referred to the Judge of the County Court of the County of Frontenac or such other person or persons as this Board may appoint, who shall make enquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in Clauses (a), (b) and (c) of ss. 8 of Section 23 of the said *Municipal Act*.

6. The Board recommends that, having regard to the incidents of assessments and taxes, this annexation shall come into force on the 1st day of January, A.D. 1947.

R. S. COLTER,
Chairman.

(Seal)

Schedule "A"

All and singular those certain parcels or tracts of land and premises situate, lying and being in the Province of Ontario, County of Frontenac, Township of Kingston, containing by admeasurement 55.3 acres be the same more or less, and being part of Township Lot 20 in the first concession of the said Township. Also Lots 26 to 135 inclusive as shown on Reg. Plan 209, also part of Carruthers Ave., Helen Street, Park Street, Westdale Ave., Franklin Place and Palace Road in the said Township, and part of Johnson Street (Raglan Street) as shown on Reg. Plan No. 54 of the Village of Portsmouth and which said parcels or tracts of land and premises may be more particularly described as follows:

Commencing at the intersection of the limit between Township Lots 20 and 21 with the southerly limit of Johnson Street; thence north 4 degrees and 2 minutes west along the said limits between Lots 20 and 21 (being the present westerly limit of the City of Kingston), a distance of 3,590 feet to the southerly limit of the King's Highways No. 33; thence south 83 degrees and 10 minutes west along the said last mentioned limit 679.5 feet to the westerly limit of Palace Road; thence south 4 degrees and 3 minutes east in and along the last mentioned limit and its production across Johnson Street a distance of 3,574.9 feet to the southerly limit of Johnson Street; thence north 84 degrees and 39 minutes east across Palace Road and along the southerly limit of Johnson Street a distance of 677.76 feet more or less to the point of commencement.

BILL

An Act respecting the City of Kingston.

1st Reading

2nd Reading

3rd Reading

MR. STEWART (Kingston)

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Kingston.

Mr. STEWART (Kingston)

BILL

An Act respecting the City of Kingston.

WHEREAS the Corporation of the City of Kingston ^{Preamble.} by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing parts of the Township of Kingston and of the Village of Portsmouth to the City of Kingston; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Order P.F. B-4816 of the Ontario Municipal Board ^{Annexation order confirmed.} dated the 31st day of December, 1946, set out as schedule A hereto, is hereby confirmed.

(2) The said Order shall be deemed to have taken effect ^{Effective date.} on the 1st day of January, 1947.

(3) The lands annexed to the City of Kingston, when added to the assessment rolls of the City of Kingston for the year 1946 pursuant to the said Order, shall be assessed and all proceedings shall be taken under *The Assessment Act* as if the ^{Assessment and taxation.} lands had been entered upon the said rolls under the said Act, ^{Rev. Stat., c. 272.} and when the assessments thereof have been revised and confirmed the said lands shall be liable to taxation in the year 1947 at the same rate as other lands in the City of Kingston.

2. This Act shall come into force on the day upon which it ^{Commencement of Act.} receives the Royal Assent.

3. This Act may be cited as *The City of Kingston Act, 1947*. ^{Short title.}

SCHEDULE A

P.F. B-4816.

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 31st day of December, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andW. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF Section 23 of *The
Municipal Act* (R.S.O. 1937, Chap-
ter 266), and amending Acts thereto,
andIN THE MATTER OF the application of
the Corporation of the City of King-
ston for annexation to the City of
Kingston of parts of the Township
of Kingston and the Village of Ports-
mouth.

Upon the application of the Corporation of the City of Kingston, and upon reading its By-law No. 499, passed on the 30th day of December, 1946, amending its By-law No. 445 as amended by its By-law No. 453 authorizing the annexation of certain parts of the Township of Kingston and the Village of Portsmouth to the City of Kingston and it appearing that the Corporation of the Village of Portsmouth desires to annex to the City of Kingston that part of the Village of Portsmouth described in the By-law No. 499 of the City of Kingston, and upon being satisfied that notice of the hearing, held on the 27th day of June, 1946, at the Board's Chambers, had been given as directed, and no objection having been filed,

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of Kingston and those parts of the Village of Portsmouth in the County of Frontenac described in the schedule hereto be and the same are hereby annexed to the City of Kingston subject to the following terms and conditions:

1. That the said parts of the Township of Kingston and the said parts of the Village of Portsmouth be annexed to the City of Kingston from and after the date fixed for this Order to take effect by the Act of the Legislature of the Province of Ontario confirming this Order, shall be added to the assessment rolls of the City of Kingston for the year 1946 upon which taxes will be levied for the year 1947.

2. That all taxes imposed by the Township of Kingston and by the Village of Portsmouth upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Kingston and to the Corporation of the Village of Portsmouth respectively.

3. That the Corporation of the City of Kingston shall have the right to collect all the said taxes owing to the Corporation of the Township of Kingston and/or to the Corporation of the Village of Portsmouth and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the City of Kingston, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same shall be paid over by the Corporation of the City of Kingston to the Corporation of the Township of Kingston and/or to the Corporation of the Village of Portsmouth respectively within six months from the date of collection.

4. That all rights, titles and interests of the Corporation of the Township of Kingston and of the Corporation of the Village of Portsmouth

in any of the said lands described in the schedule hereto including all roads, streets and allowances therefor, shall vest from and after the said date in the Corporation of the City of Kingston.

5. That the Corporations of the City of Kingston, the Township of Kingston, the Village of Portsmouth and the County of Frontenac shall be entitled to and shall be bound to make an adjustment of assets and liabilities pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act* shall apply as between the municipalities and school sections affected by this Order and, in the event of the parties hereto not being able to agree upon the adjustment of such assets and liabilities, then all such questions of adjustments may be referred to the Judge of the County Court of the County of Frontenac or such other person or persons as this Board may appoint, who shall make enquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in Clauses (a), (b) and (c) of ss. 8 of Section 23 of the said *Municipal Act*.

6. The Board recommends that, having regard to the incidents of assessments and taxes, this annexation shall come into force on the 1st day of January, A.D. 1947.

(Seal)

R. S. COLTER,
Chairman.

Schedule "A"

All and singular those certain parcels or tracts of land and premises situate, lying and being in the Province of Ontario, County of Frontenac, Township of Kingston, containing by admeasurement 55.3 acres 'be the same more or less, and being part of Township Lot 20 in the first concession of the said Township. Also Lots 26 to 135 inclusive as shown on Reg. Plan 209, also part of Carruthers Ave., Helen Street, Park Street, Westdale Ave., Franklin Place and Palace Road in the said Township, and part of Johnson Street (Raglan Street) as shown on Reg. Plan No. 54 of the Village of Portsmouth and which said parcels or tracts of land and premises may be more particularly described as follows:

Commencing at the intersection of the limit between Township Lots 20 and 21 with the southerly limit of Johnson Street; thence north 4 degrees and 2 minutes west along the said limits between Lots 20 and 21 (being the present westerly limit of the City of Kingston), a distance of 3,590 feet to the southerly limit of the King's Highways No. 33; thence south 83 degrees and 10 minutes west along the said last mentioned limit 679.5 feet to the westerly limit of Palace Road; thence south 4 degrees and 3 minutes east in and along the last mentioned limit and its production across Johnson Street a distance of 3,574.9 feet to the southerly limit of Johnson Street; thence north 84 degrees and 39 minutes east across Palace Road and along the southerly limit of Johnson Street a distance of 677.76 feet more or less to the point of commencement.

BILL

An Act respecting the City of Kingston.

1st Reading

March 13th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. STEWART (Kingston)

No. 14

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Fort William (No. 2).

MR. ANDERSON

(PRIVATE BILL)

No. 14

1947

BILL

An Act respecting the City of Fort William (No. 2).

WHEREAS the Corporation of the City of Fort William Preamble. by its petition has represented that the Corporation is desirous of purchasing and installing a complete modern dial telephone system and such equipment as is necessary in connection therewith at an estimated cost of \$906,000, of which \$142,000 shall be provided by the Corporation from its depreciation fund and \$764,000 shall be borrowed upon debentures of the Corporation; whereas the council of the Corporation did on the 4th day of December, 1944, submit to the electors of the City of Fort William qualified to vote on money by-laws the following question, "Are you in favour of the expenditure of an amount of approximately \$350,000 for the purpose of installing a complete modern dial telephone system as a post-war project?" with the result that 2,347 ratepayers voted in favour of the question and 671 ratepayers against; whereas as a result of investigations, estimates and recommended changes and improvements made since 1944, the Corporation finds that the total cost will be approximately \$906,000; whereas the Corporation has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The Corporation of the City of Fort William may establish and maintain a depreciation fund within the meaning of section 108 of *The Telephone Act* and may, out of its accumulated surplus, pay into such depreciation fund a sum not exceeding \$142,000 and may, from time to time, subject to the approval of the Ontario Municipal Board, expend such depreciation fund or such portions thereof as may be necessary or expedient for the purposes set out in by-law number 4033, set out as schedule A hereto, or otherwise for the purposes mentioned in section 109 of *The Telephone Act*. Depreciation fund. Rev. Stat., c. 261.

Power to
improve
telephone
system.

2. The Corporation of the City of Fort William may improve the telephone system in the City of Fort William by the purchase and installation of a complete modern dial telephone system and such equipment as is necessary or expedient in connection therewith.

By-law
No. 4033
validated

3. The said by-law number 4033 is hereby confirmed and declared to be and to have been since the date thereof a legal, valid and existing by-law of the Corporation and any debentures which may hereafter be issued in accordance with the said by-law or as provided in section 4 shall from the date of such issue be valid and binding upon the Corporation of the City of Fort William and the ratepayers thereof.

Debentures.

4. Notwithstanding the provisions of the said by-law number 4033 the debentures to be issued as therein provided may be issued in accordance with subsection 8 of section 305 of *The Municipal Act* at any time within two years after the passing of the said by-law, or at any time after the expiration of the said two years in accordance with subsection 11 of section 305 of *The Municipal Act*.

Rev. Stat.,
c. 266.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Fort William Act* (No. 2), 1947.

SCHEDULE A
CITY OF FORT WILLIAM
BY-LAW NUMBER 4033

A by-law to provide for borrowing \$764,000.00 upon debentures to pay for improving the telephone system in the City of Fort William, by the purchase and installation of a complete modern dial telephone system.

WHEREAS the Corporation of the City of Fort William owns and operates the telephone system now installed in the said Corporation.

AND WHEREAS the Council of the Corporation is of the opinion that it is advisable to improve the said telephone system by the purchase and installation of a complete modern dial telephone system.

AND WHEREAS the total estimated cost of such purchase and installation is the sum of \$906,000.00 of which sum the Treasurer of the Corporation has on hand the sum of \$142,000.00 to the credit of its telephone system account, being the receipts arising from supplying telephone service in the said Corporation, after providing for the expenditures incurred for the maintenance and operation of such service, and application is about to be made to the Legislative Assembly of the Province of Ontario, which, if granted, will permit of the said sum of \$142,000.00 being used to defray part of the said cost.

AND WHEREAS it was originally contemplated that the said purchase and installation could be made for the sum of \$500,000.00 and a question in the words and figures following was submitted to the Municipal Electors of the Corporation at the Municipal Elections held on the 4th day of December, 1944, "Are you in favour of the expenditure of an amount of approximately \$350,000.00 for the purpose of installing a complete modern dial telephone system as a postwar project?" and, as a result, 2,347 electors voted in favour of the said expenditure and 671 electors voted against the same.

AND WHEREAS by an Act passed in the tenth year of the reign of His Late Majesty, King Edward VII, chaptered 114, entitled "An Act respecting the City of Fort William," the Council of the Corporation was authorized without the assent of the electors or ratepayers from time to time to raise on the credit of the Corporation such sums as might be necessary to extend or improve the telephone system of the Corporation or to pay the expense of any extensions or improvements thereof provided such expenditure is first approved by The Ontario Railway and Municipal Board (now the Ontario Municipal Board) and that in the final passing of such By-law or By-laws, three-fourths of all the members of the Council vote in favour of the same.

AND WHEREAS by Section 7 of The Telephone Act, Revised Statutes of Ontario, Chapter 261, it is similarly provided that a By-law for the purposes aforesaid shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the Council and is approved by The Ontario Municipal Board.

AND WHEREAS for the purposes aforesaid it is necessary to borrow on the credit of the Corporation, the said sum of \$764,000.00 which is the amount of the debt intended to be created by this By-law, and to issue debentures therefor payable within fifteen years from the time when the same are issued and bearing interest at the rate of $2\frac{1}{2}\%$ per annum.

AND WHEREAS it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable in yearly sums during the said period of fifteen years, being the currency of the said debentures of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt, shall be the

same, provided, however, that each instalment of principal may be for an even \$100.00 or multiple thereof, and notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

AND WHEREAS it will be necessary to raise in each year in which an instalment becomes due, the specific sum set forth in the fourth column of the Schedule contained in Section 3 hereof to pay it when and as it becomes due, which yearly sum subject to the provisions of Section 31 of The Public Utilities Act, as enacted by Section 1 of The Public Utilities Amendment Act, 1944, shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last Revised Assessment Roll is \$31,529,770 including \$365,310.00 liable for taxation for school purposes only and which is exempt from general taxation.

AND WHEREAS the amount of the existing Debenture Debt of the Corporation exclusive of Local Improvement Debentures is \$2,916,631.56 and no part of the principal or interest is in arrears.

NOW THEREFORE the Council of the Corporation of the City of Fort William, by a three-fourths vote of all the members of the Council, enacts as follows:

1. That the Corporation do proceed with the purchase and installation of a complete modern dial telephone system at a cost not exceeding \$906,000.00, of which amount the sum of \$142,000.00 shall be provided from the said depreciation fund when established, and the balance, not exceeding the sum of \$764,000.00 shall be provided by the issue and sale of debentures as hereinafter set forth.

2. That for the purpose aforesaid, there shall be borrowed on the credit of the Corporation at large the sum of \$764,000.00 and debentures shall be issued therefor in sums of not less than \$100.00 each bearing interest at the rate of 2½% per annum, payable half-yearly, and having coupons attached thereto for the payment of the interest at the place or places where the said debentures are made payable.

3. The said debentures shall all bear the same date and shall be issued within two years after the passing of this By-law, and may bear any date within such two years, and shall be payable in fifteen annual instalments during the fifteen years next after the time when the same are issued, and the respective amounts of principal and interest in each of such years shall be as follows:

Year	Principal	Interest	Annual Payment
1st.....	\$43,000.00	\$19,100.00	\$62,100.00
2nd.....	44,000.00	18,025.00	62,025.00
3rd.....	45,000.00	16,925.00	61,925.00
4th.....	46,000.00	15,800.00	61,800.00
5th.....	47,000.00	14,650.00	61,650.00
6th.....	48,000.00	13,475.00	61,475.00
7th.....	49,000.00	12,275.00	61,275.00
8th.....	51,000.00	11,050.00	62,050.00
9th.....	52,000.00	9,775.00	61,775.00
10th.....	53,000.00	8,475.00	61,475.00
11th.....	54,000.00	7,150.00	61,150.00
12th.....	56,000.00	5,800.00	61,800.00
13th.....	57,000.00	4,400.00	61,400.00
14th.....	59,000.00	2,975.00	61,975.00
15th.....	60,000.00	1,500.00	61,500.00

4. The debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. Each of the debentures shall be sealed with the seal of the Corporation and signed by the Mayor of the Corporation or by some other person authorized by By-law to sign the same and by the Treasurer and the coupons for the interest shall be signed by the Treasurer and his signature to them may be written, stamped, lithographed or engraved.

6. Subject only to the provisions of Section 31 of The Public Utilities Act, as enacted by Section 1 of The Public Utilities Amendment Act, 1944, during the currency of the said debentures, there shall be levied and raised in each year in which an instalment becomes due, the specific sum set forth in the fourth column of the Schedule contained in Section 3 hereof, by special rates sufficient therefor over and above all other rates on all the rateable property in the City of Fort William at the same time and in the same manner as other rates.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force and effect at the time of the issue thereof.

8. The debentures to be issued hereunder falling due in the last or fifteenth year and being the debentures having the latest maturity date, shall be redeemable at the option of the Corporation on any date prior to maturity in whole or in part at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof with interest accrued to date of redemption upon giving the notice of intention to redeem required by the Municipal Act to be given to the person in whose name the debenture is registered and the notice required by the said Act to be published in The Ontario Gazette and upon publication of notice of said intention to redeem once in a Daily Newspaper of general provincial circulation, published in the City of Toronto, and once in a newspaper having a circulation in the Municipality at least thirty days prior to the date fixed for redemption.

9. This By-law shall not come into force and effect until validated and confirmed by a Special Act of the Legislative Assembly of the Province of Ontario.

READ a first, second and third time and passed and enacted this 6th day of February, 1947.

(Seal)

GARFIELD ANDERSON,
Mayor.
D. M. MARTIN,
Clerk.

BILL

An Act respecting the City of
Fort William (No. 2).

1st Reading

2nd Reading

3rd Reading

MR. ANDERSON

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Guelph.

MR. HAMILTON

(PRIVATE BILL)

BILL

An Act respecting the City of Guelph.

WHEREAS the Corporation of the City of Guelph^{Preamble.} by its petition has prayed for special legislation to ratify and confirm its title to certain lands in the City; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title of the Corporation of the City of Guelph^{Title to certain lands confirmed.} to the lands described as being:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario, being composed of Part of Gordon Street as shown on the Canada Company's Survey of the Town, now the City, of Guelph, and Part of Park Lot "A" according to the said Canada Company's Survey, and which said parcel or tract of land and premises may be more particularly described as follows: Commencing at a point in the Northeasterly limit of Gordon Street distant Two Hundred feet and Eighty-two One-hundredths of a foot (200.82) measured on a bearing of South 64 degrees East along the said limit from its intersection with the Southeasterly limit of Wellington Street; thence South 64 degrees East a distance of One Hundred and Forty-nine feet and Sixty-four One-hundredths of a foot (149.64) to a point being the original angle of Gordon Street; thence South 7 degrees East along the original Easterly limit of Gordon Street One Hundred and Eighty-three and Forty-eight One-hundredths (183.48) feet to a point on Gordon Street; thence North 24 degrees West Twenty-three and Thirty-four One-hundredths (23.34) feet to a point; thence North 33 degrees 12 minutes West Two Hundred and Seventy and Fifteen One-hundredths (270.15) feet more or less to the place of beginning.

is hereby ratified and confirmed and the said lands are hereby vested in the said Corporation.

2. This Act shall come into force on the day upon which it^{Commence-ment of Act.} receives the Royal Assent.

3. This Act may be cited as *The City of Guelph Act, 1947*.^{Short title.}

An Act respecting the City of Guelph.

*1st Reading**2nd Reading**3rd Reading*

MR. HAMILTON

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Guelph.

MR. HAMILTON

BILL

An Act respecting the City of Guelph.

WHEREAS the Corporation of the City of Guelph^{Preamble.} by its petition has prayed for special legislation to ratify and confirm its title to certain lands in the City; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title of the Corporation of the City of Guelph^{Title to certain lands confirmed.} to the lands described as being:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario, being composed of Part of Gordon Street as shown on the Canada Company's Survey of the Town, now the City, of Guelph, and Part of Park Lot "A" according to the said Canada Company's Survey, and which said parcel or tract of land and premises may be more particularly described as follows: Commencing at a point in the Northeasterly limit of Gordon Street distant Two Hundred feet and Eighty-two One-hundredths of a foot (200.82) measured on a bearing of South 64 degrees East along the said limit from its intersection with the Southeasterly limit of Wellington Street; thence South 64 degrees East a distance of One Hundred and Forty-nine feet and Sixty-four One-hundredths of a foot (149.64) to a point being the original angle of Gordon Street; thence South 7 degrees East along the original Easterly limit of Gordon Street One Hundred and Eighty-three and Forty-eight One-hundredths (183.48) feet to a point on Gordon Street; thence North 24 degrees West Twenty-three and Thirty-four One-hundredths (23.34) feet to a point; thence North 33 degrees 12 minutes West Two Hundred and Seventy and Fifteen One-hundredths (270.15) feet more or less to the place of beginning.

is hereby ratified and confirmed and the said lands are hereby vested in the said Corporation.

2. This Act shall come into force on the day upon which it^{Commence-ment of Act.} receives the Royal Assent.

3. This Act may be cited as *The City of Guelph Act, 1947*.^{Short title.}

An Act respecting the City of Guelph.

1st Reading

March 20th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. HAMILTON

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Township of Calvert.

MR. GRUMMETT

(PRIVATE BILL)

No. 16

1947

BILL

An Act respecting the Township of Calvert.

WHEREAS the Corporation of the Township of Calvert ^{Preamble.} by its petition has prayed for special legislation to confirm an Order of the Ontario Municipal Board annexing the unorganized townships of McCart, Dundonald, Clergue, Teefy, Walker (except the South half of Concession One thereof), Rickard and Wilkie to the Township of Calvert; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Order P.F. B-4247 of the Ontario Municipal Board, ^{Annexation order confirmed.} dated the 22nd day of March, 1946, set out as schedule A hereto, is confirmed.

(2) The said Order P.F. B-4247 shall be deemed to have ^{Effective date.} come into effect on the 31st day of December, 1946.

2.—(1) It is hereby declared that, notwithstanding that ^{Assessment and taxation of assessed lands.} the unorganized townships of McCart, Dundonald, Clergue, Teefy, Walker (except the South half of Concession One thereof), Rickard and Wilkie were not in 1946 part of the Township of Calvert, the assessment made in 1946 in the Township of Calvert for taxation in the year 1947 and all proceedings of the assessor and court of revision thereof and further proceedings consequent thereon shall be and are as effective as if the said unorganized townships had been part of the Township of Calvert in the year 1946.

(2) It is further declared that all appeals from assessments ^{Assessment appeals.} made by the assessor of the Township of Calvert in the said unorganized townships in 1946 shall stand in the same plight and condition as if the said unorganized townships had been part of the Township of Calvert when the same were initiated.

3. This Act shall come into force on the day upon which it ^{Commencement of Act.} receives the Royal Assent.

4. This Act may be cited as *The Township of Calvert Act*, ^{Short title.} 1947.

SCHEDULE A

THE ONTARIO MUNICIPAL BOARD

Friday, the twenty-second day of March, A.D. 1946.

P.F. B-4247.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman.

W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman, and

W. J. MOORE, Esq., O.L.S.,
Member.

IN THE MATTER OF Section 17 of *The Municipal Act* (R.S.O. 1937, Chapter 266) and

IN THE MATTER OF an Application by the Corporation of the Township of Calvert for annexation thereto of the Unorganized Townships of McCart, Dundonald, Clergue, Teefy, Walker (except the South half of Concession 1, thereof), Rickard and Wilkie, and

IN THE MATTER OF the said Corporation's By-law No. 431, passed on the 5th day of November, A.D. 1945.

UPON THE APPLICATION of the said Corporation, and upon consideration of the material filed;

THE BOARD ORDERS, under and in pursuance of the provisions of Section 17 of *The Municipal Act* (R.S.O. 1937, Chapter 266);

THAT all of the unorganized Townships of McCart, Dundonald, Clergue, Teefy, Walker (except the South half of Concession 1 thereof), Rickard and Wilkie, be and the same are hereby annexed to the Township of Calvert, such annexation to take effect as of Midnight, the 31st day of December, 1946.

AND THE BOARD FURTHER ORDERS that the Assessor for the Township of Calvert shall include, in his Assessment Roll to be prepared in the year 1946, all properties within the said Unorganized Townships liable to be assessed for the payment of taxes in 1947. From said Assessment Roll the Clerk of the Township of Calvert shall include in his Voters List the names of all those within the said Unorganized Townships who may be entitled to vote at a Municipal election, and those persons shall be entitled to vote at the Municipal election for the election of Members of the Council for the year 1947.

R. S. COLTER,
Chairman.

(Seal)

BILL

An Act respecting the Township of
Calvert.

1st Reading

2nd Reading

3rd Reading

MR. GRUMMETT

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Township of Calvert.

MR. GRUMMETT

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting the Township of Calvert.

WHEREAS the Corporation of the Township of Calvert Preamble.
by its petition has prayed for special legislation in
respect of an Order of the Ontario Municipal Board annexing
certain unorganized townships to the Township of Calvert;
and whereas it is expedient to grant in part the prayer of the
said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The annexation to the Township of Calvert of the Annexation order confirmed,—saving.
unorganized townships of McCart, Dundonald, Clergue, Walker
(except the South half of Concession One thereof), Rickard
and Wilkie, pursuant to Order P.F. B-4247 of the Ontario
Municipal Board dated the 22nd day of March, 1946, set
out as schedule A hereto, is hereby confirmed except as provided in subsection 2.

(2) The said Order is hereby amended by deleting therefrom Annexation order amended.
all reference to the township of Teefy and accordingly the
township of Teefy shall not be annexed nor be deemed to have
been annexed to the Township of Calvert.

2. Notwithstanding the judgment of the Judge of the Assessments validated.
District Court of the District of Cochrane, pronounced on the
15th day of April, 1947, in a proceeding intituled "In the
Matter of Appeal from the Court of Revision of the Township
of Calvert, Abitibi Power & Paper Company, Limited, Appellant, and The Corporation of the Township of Calvert, Respondent", the assessments made in the said unorganized townships
of McCart, Dundonald, Clergue, Walker (except the South
half of Concession One thereof), Rickard and Wilkie in the
year 1946 for taxation in the year 1947 by the assessor of the
Township of Calvert, as modified in amount upon appeal by
the said Judge, are declared to be valid and binding.

Elections
and acts
validated.

3. The elections of the council of the Corporation of the Township of Calvert and of all public and separate school boards in the said unorganized townships and in the Township of Calvert in 1946 to hold office in 1947 are hereby declared legal and valid and all acts of the said council and boards in 1947 shall be as valid and effective as if no defect had existed in the said elections or any of them.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of Calvert Act, 1947*.

SCHEDULE A

THE ONTARIO MUNICIPAL BOARD

Friday, the twenty-second day of March, A.D. 1946.

P.F. B-4247.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman.

W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman, and

W. J. MOORE, Esq., O.L.S.,
Member.

IN THE MATTER OF SECTION 17 of *The
Municipal Act* (R.S.O. 1937, Chap-
ter 266) and

IN THE MATTER OF an Application by
the Corporation of the Township of
Calvert for annexation thereto of
the Unorganized Townships of
McCart, Dundonald, Clergue,
Teefy, Walker (except the South
half of Concession 1, thereof),
Rickard and Wilkie, and

IN THE MATTER OF the said Corpora-
tion's By-law No. 431, passed on
the 5th day of November, A.D.
1945.

UPON THE APPLICATION of the said Corporation, and upon considera-
tion of the material filed;

THE BOARD ORDERS, under and in pursuance of the provisions of
Section 17 of *The Municipal Act* (R.S.O. 1937, Chapter 266);

THAT all of the unorganized Townships of McCart, Dundonald,
Clergue, Teefy, Walker (except the South half of Concession 1 thereof),
Rickard and Wilkie, be and the same are hereby annexed to the Township
of Calvert, such annexation to take effect as of Midnight, the 31st day
of December, 1946.

AND THE BOARD FURTHER ORDERS that the Assessor for the Township
of Calvert shall include, in his Assessment Roll to be prepared in the year
1946, all properties within the said Unorganized Townships liable to be
assessed for the payment of taxes in 1947. From said Assessment Roll
the Clerk of the Township of Calvert shall include in his Voters List the
names of all those within the said Unorganized Townships who may be
entitled to vote at a Municipal election, and those persons shall be entitled
to vote at the Municipal election for the election of Members of the Council
for the year 1947.

(Seal)

R. S. COLTER,
Chairman.

BILL

An Act respecting the Township of
Calvert.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. GRUMMETT

(Reprinted as amended by the Committee on
Private Bills.)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Township of Calvert.

MR. GRUMMETT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Calvert.

WHEREAS the Corporation of the Township of Calvert Preamble.
by its petition has prayed for special legislation in
respect of an Order of the Ontario Municipal Board annexing
certain unorganized townships to the Township of Calvert;
and whereas it is expedient to grant in part the prayer of the
said petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The annexation to the Township of Calvert of the Annexation
order con-
firmed,—
saving.
unorganized townships of McCart, Dundonald, Clergue, Walker
(except the South half of Concession One thereof), Rickard
and Wilkie, pursuant to Order P.F. B-4247 of the Ontario
Municipal Board dated the 22nd day of March, 1946, set
out as schedule A hereto, is hereby confirmed except as pro-
vided in subsection 2.

(2) The said Order is hereby amended by deleting therefrom Annexation
order
amended.
all reference to the township of Teefy and accordingly the
township of Teefy shall not be annexed nor be deemed to have
been annexed to the Township of Calvert.

2. Notwithstanding the judgment of the Judge of the Assessments
validated.
District Court of the District of Cochrane, pronounced on the
15th day of April, 1947, in a proceeding intituled "In the
Matter of Appeal from the Court of Revision of the Township
of Calvert, Abitibi Power & Paper Company, Limited, Appel-
lant, and The Corporation of the Township of Calvert, Respon-
dent", the assessments made in the said unorganized townships
of McCart, Dundonald, Clergue, Walker (except the South
half of Concession One thereof), Rickard and Wilkie in the
year 1946 for taxation in the year 1947 by the assessor of the
Township of Calvert, as modified in amount upon appeal by
the said Judge, are declared to be valid and binding.

Elections
and acts
validated.

3. The elections of the council of the Corporation of the Township of Calvert and of all public and separate school boards in the said unorganized townships and in the Township of Calvert in 1946 to hold office in 1947 are hereby declared legal and valid and all acts of the said council and boards in 1947 shall be as valid and effective as if no defect had existed in the said elections or any of them.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of Calvert Act, 1947*.

SCHEDULE A

THE ONTARIO MUNICIPAL BOARD

Friday, the twenty-second day of March, A.D. 1946.

P.F. B-4247.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman.

W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman, and

W. J. MOORE, Esq., O.L.S.,
Member.

IN THE MATTER OF SECTION 17 of *The Municipal Act* (R.S.O. 1937, Chapter 266) and

IN THE MATTER OF an Application by the Corporation of the Township of Calvert for annexation thereto of the Unorganized Townships of McCart, Dundonald, Clergue, Teefy, Walker (except the South half of Concession 1, thereof), Rickard and Wilkie, and

IN THE MATTER OF the said Corporation's By-law No. 431, passed on the 5th day of November, A.D. 1945.

UPON THE APPLICATION of the said Corporation, and upon consideration of the material filed;

THE BOARD ORDERS, under and in pursuance of the provisions of Section 17 of *The Municipal Act* (R.S.O. 1937, Chapter 266);

THAT all of the unorganized Townships of McCart, Dundonald, Clergue, Teefy, Walker (except the South half of Concession 1 thereof), Rickard and Wilkie, be and the same are hereby annexed to the Township of Calvert, such annexation to take effect as of Midnight, the 31st day of December, 1946.

AND THE BOARD FURTHER ORDERS that the Assessor for the Township of Calvert shall include, in his Assessment Roll to be prepared in the year 1946, all properties within the said Unorganized Townships liable to be assessed for the payment of taxes in 1947. From said Assessment Roll the Clerk of the Township of Calvert shall include in his Voters List the names of all those within the said Unorganized Townships who may be entitled to vote at a Municipal election, and those persons shall be entitled to vote at the Municipal election for the election of Members of the Council for the year 1947.

(Seal)

R. S. COLTER,
Chairman.

BILL

An Act respecting the Township of
Calvert.

1st Reading

March 20th, 1947

2nd Reading

October 29th, 1947

3rd Reading

October 30th, 1947

MR. GRUMMETT

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of London.

MR. PATRICK

(PRIVATE BILL)

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London Preamble.
by its petition has prayed for special legislation in
respect of the several matters hereinafter set forth; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The deed made by the Corporation of the City of Deed of
lands
validated.
London, bearing date the 4th day of July, 1946, and registered
in the Registry Office for the Registry Division of the East
and North Ridings of the County of Middlesex on the 20th
day of September, 1946, as Number 24364 for East London,
to Canadian General Electric Company Limited, in considera-
tion of \$5,460, of lands in the said City of London, being
Lots Numbers Seventeen, Eighteen and Nineteen, on the
east side of Highbury Avenue and parts of Lots Numbers
Twenty-one and Twenty-three on the west side of Hale
Street, Plan Number 50, as in the said deed described, is
hereby ratified and confirmed, and declared to be legal, valid
and binding upon the said Corporation and the ratepayers
thereof.

2. Notwithstanding the proviso contained in section 8 of Sale of
industrial
sites.
1919,
c. 96.
The City of London Act, 1919, the Corporation of the City
of London is hereby authorized and empowered to sell lands
within the said City of London acquired for industrial sites
under the said section 8 upon such terms and conditions and
for such purposes as to the council of the said Corporation
may, from time to time, seem fit.

3.—(1) The Corporation of the City of London is hereby Provision for
Victoria
Hospital.
authorized and empowered to undertake and provide for
needed accommodation at Victoria Hospital, London, and
to expend therefor the sum of \$1,000,000.

Debentures.

Rev. Stat.,
c. 60, s. 70
(1946,
c. 66, s. 1.)

(2) The said Corporation, without the approval of the Ontario Municipal Board under section 70 of *The Ontario Municipal Board Act*, may pass a by-law to borrow, and may borrow, the said sum of \$1,000,000, and may issue debentures therefor for any period not exceeding ten years from the date of the issue thereof, and at such rate of interest as the council of the said Corporation may determine, and it shall not be necessary for the said Corporation to observe the provisions of *The Municipal Act* with respect to the passing of money by-laws.

Rev. Stat.,
c. 266.

Community
centre and
arena.

4.—(1) The Corporation of the City of London may enter into an agreement for the construction of a community centre and arena by the Western Fair Association upon such terms and conditions as may be satisfactory to the council of the said Corporation and may, without the approval of the Ontario Municipal Board under section 70 of *The Ontario Municipal Board Act*, contribute thereto the sum of \$75,000 per year for a period of five years, to be raised by including the sum of \$75,000 per year in the yearly rate for taxes in the years 1947, 1948, 1949, 1950 and 1951.

Undertaking
and
agreement
validated.

(2) Such undertaking and agreement shall be legal, valid and binding upon the Western Fair Association and the said Corporation and the ratepayers thereof, who are authorized and empowered to carry out the obligations, provisions and conditions of the said agreement and to enjoy the rights, powers and privileges provided therein.

Expenditure
and rates
validated.

(3) Such expenditure and such yearly rates are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of London Act, 1947*.

BILL

An Act respecting the City of London.

1st Reading

2nd Reading

3rd Reading

MR. PATRICK

(Private Bill)

No. 17

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of London.

MR. PATRICK

(Reprinted as amended by the Committee on Private Bills.)

No. 17

1947

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London ^{Preamble.} by its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The deed made by the Corporation of the City of London, bearing date the 4th day of July, 1946, and registered ^{Deed of lands validated.} in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex on the 20th day of September, 1946, as Number 24364 for East London, to Canadian General Electric Company Limited, in consideration of \$5,460, of lands in the said City of London, being Lots Numbers Seventeen, Eighteen and Nineteen, on the east side of Highbury Avenue and parts of Lots Numbers Twenty-one and Twenty-three on the west side of Hale Street, Plan Number 50, as in the said deed described, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

2. Notwithstanding the proviso contained in section 8 of ^{Sale of industrial sites.} *The City of London Act, 1919*, the Corporation of the City of London is hereby authorized and empowered to sell lands ^{1919, c. 96.} within the said City of London acquired for industrial sites under the said section 8 upon such terms and conditions and for such purposes as to the council of the said Corporation may, from time to time, seem fit.

3.—(1) The Corporation of the City of London is hereby authorized and empowered to undertake and provide for ^{Provision for Victoria Hospital.} needed accommodation at Victoria Hospital, London, and to expend therefor the sum of \$1,000,000.

Debentures.

(2) Subject to the approval of the Ontario Municipal Board, the said corporation may pass a by-law to borrow, and may borrow, the said sum of \$1,000,000, and may issue debentures therefor for any period not exceeding ten years from the date of the issue thereof, and at such rate of interest as the council of the said Corporation may determine.

Community
centre and
arena.

4.—(1) The Corporation of the City of London may enter into an agreement for the construction of a community centre and arena by the Western Fair Association upon such terms and conditions as may be satisfactory to the council of the said Corporation and may, subject to the approval of the Ontario Municipal Board, contribute thereto the sum of \$75,000 per year for a period of five years, to be raised by including the sum of \$75,000 per year in the yearly rate for taxes in the years 1947, 1948, 1949, 1950 and 1951.

Undertaking
and
agreement
validated.

(2) Such undertaking and agreement shall be legal, valid and binding upon the Western Fair Association and the said Corporation and the ratepayers thereof, who are authorized and empowered to carry out the obligations, provisions and conditions of the said agreement and to enjoy the rights, powers and privileges provided therein.

Expenditure
and rates
validated.

(3) Such expenditure and such yearly rates are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of London Act, 1947*.

An Act respecting the City of London.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. PATRICK

*(Reprinted as amended by the Committee on
Private Bills.)*

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of London.

MR. PATRICK

No. 17

1947

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London ^{Preamble.} by its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The deed made by the Corporation of the City of London, bearing date the 4th day of July, 1946, and registered in the Registry Office for the Registry Division of the East and North Ridings of the County of Middlesex on the 20th day of September, 1946, as Number 24364 for East London, to Canadian General Electric Company Limited, in consideration of \$5,460, of lands in the said City of London, being Lots Numbers Seventeen, Eighteen and Nineteen, on the east side of Highbury Avenue and parts of Lots Numbers Twenty-one and Twenty-three on the west side of Hale Street, Plan Number 50, as in the said deed described, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof. ^{Deed of lands validated.}

2. Notwithstanding the proviso contained in section 8 of *The City of London Act, 1919*, the Corporation of the City of London is hereby authorized and empowered to sell lands within the said City of London acquired for industrial sites under the said section 8 upon such terms and conditions and for such purposes as to the council of the said Corporation may, from time to time, seem fit. ^{Sale of industrial sites. 1919, c. 96.}

3.—(1) The Corporation of the City of London is hereby authorized and empowered to undertake and provide for needed accommodation at Victoria Hospital, London, and to expend therefor the sum of \$1,000,000. ^{Provision for Victoria Hospital.}

Debentures. (2) Subject to the approval of the Ontario Municipal Board, the said corporation may pass a by-law to borrow, and may borrow, the said sum of \$1,000,000, and may issue debentures therefor for any period not exceeding ten years from the date of the issue thereof, and at such rate of interest as the council of the said Corporation may determine.

Community
centre and
arena.

4.—(1) The Corporation of the City of London may enter into an agreement for the construction of a community centre and arena by the Western Fair Association upon such terms and conditions as may be satisfactory to the council of the said Corporation and may, subject to the approval of the Ontario Municipal Board, contribute thereto the sum of \$75,000 per year for a period of five years, to be raised by including the sum of \$75,000 per year in the yearly rate for taxes in the years 1947, 1948, 1949, 1950 and 1951.

Undertaking
and
agreement
validated.

(2) Such undertaking and agreement shall be legal, valid and binding upon the Western Fair Association and the said Corporation and the ratepayers thereof, who are authorized and empowered to carry out the obligations, provisions and conditions of the said agreement and to enjoy the rights, powers and privileges provided therein.

Expenditure
and rates
validated.

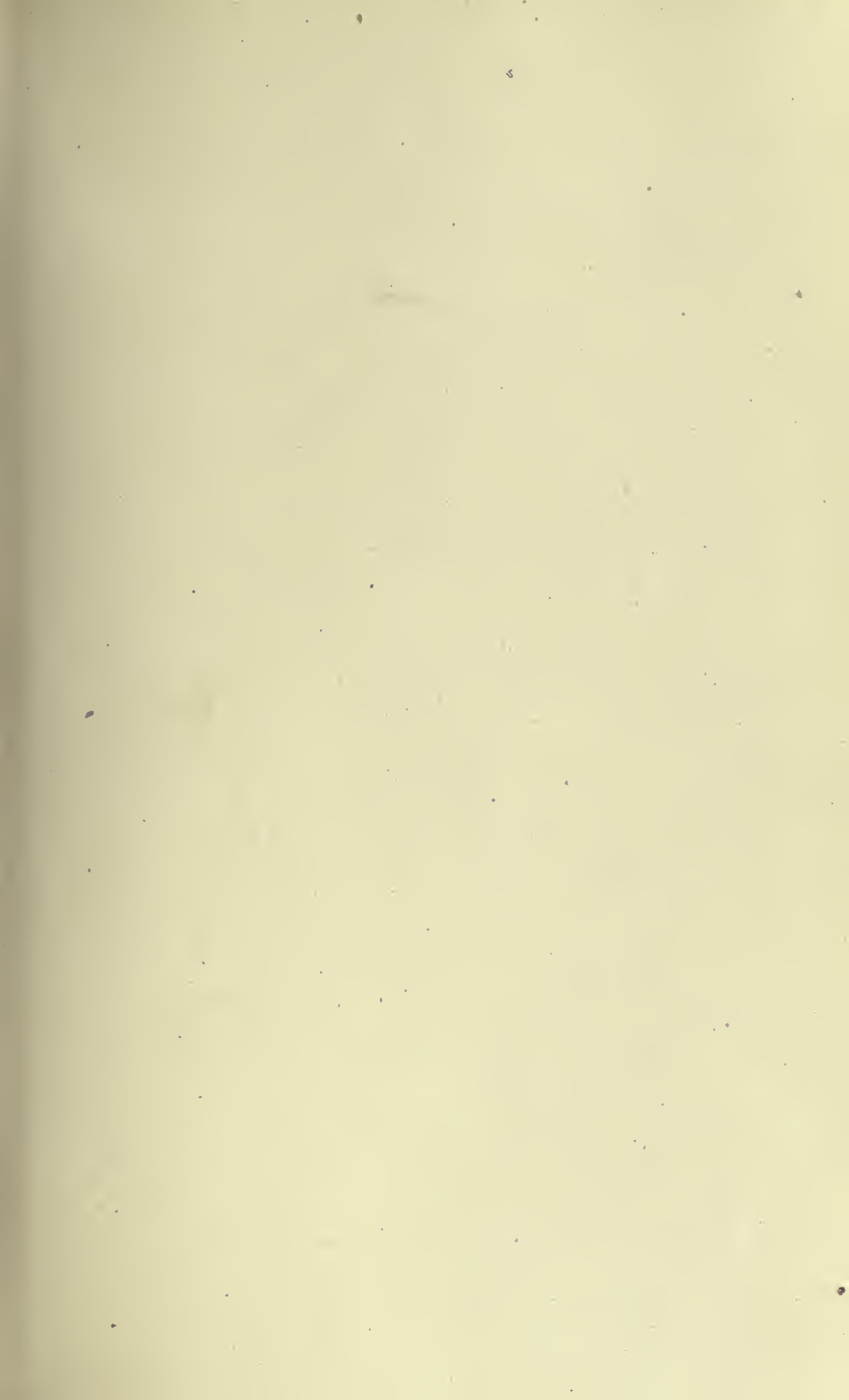
(3) Such expenditure and such yearly rates are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of London Act, 1947*.



BILL

An Act respecting the City of London.

1st Reading

March 20th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. PATRICK

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting St. Jerome's College.

MR. MEINZINGER

(PRIVATE BILL)

BILL

An Act respecting St. Jerome's College.

WHEREAS St. Jerome's College by its petition has re- Preamble.
presented that it was incorporated by an Act entitled
An Act to incorporate the College of Saint Jerome, in the Town 1866, c. 134.
of Berlin, being chapter 134 of the Statutes of the Province of
Canada, 1866, and that it received its present name and
powers by an Act entitled *An Act respecting the Corporation* 1903, c. 133.
of the College of St. Jerome, Berlin, being chapter 133 of the
Statutes of Ontario, 1903; whereas the petitioner has prayed
for special legislation to amend its powers with respect
to the holding of property, the investment of assets and the
execution of documents; whereas for convenience it is
desired to consolidate the special legislation of the corporation;
and whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) F. Michael Weiler, Roman Anthony Hinsperger, Corporation continued.
Simon J. Winter, Michael I. Keiffer and John H. Spielmacher,
being the present members of St. Jerome's College, and their
successors are hereby continued as a body corporate and politic
under the name of St. Jerome's College, and by that name
shall have perpetual succession and a corporate seal and may
under that name sue and be sued and shall have all the powers
and privileges conferred upon it by this Act and also all the
powers and privileges and immunities vested by law in corporations
necessary or proper for the carrying out of the objects,
purposes and business of the corporation.

(2) The head office of the corporation shall be at the City Head office.
of Kitchener.

2. The corporation shall have power from time to time to Seal.
alter, renew or change its corporate seal at its pleasure, provided that the corporate seal shall always contain the name of the corporation.

Power to
hold, etc.,
property.

3.—(1) The corporation is hereby empowered to purchase, acquire, hold, possess and enjoy and to have, take and receive to it and its successors to and for the uses and purposes of the corporation any lands, tenements, hereditaments, real and immovable property and real and personal property and the same to sell, alienate, lease, mortgage, pledge and dispose of and to purchase others in their stead for the same purpose.

No power to
expropriate
land.

(2) Nothing in this Act shall be deemed to include the right to expropriate land or other property.

Idem.

4. The corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless the same are actually used or occupied for the purposes of the corporation; and to the extent that any such lands or tenements are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*.

Rev. Stat.,
c. 147.

Investment
of funds.

5. Subject to the limitations imposed by any specific trust as to same, the corporation may invest the proceeds of the disposition of any property referred to in section 4 in any public securities of the Province of Ontario, mortgages or other trustee securities and may invest any other assets of the corporation in such securities as the board may determine.

General
powers.

6. The corporation may establish, erect, equip, maintain, administer, conduct and develop an institution or institutions of education, in the Province of Ontario, and included in such power shall be the power to construct, maintain and administer buildings and facilities to provide school or schools of learning and scientific and academic faculties associated therewith; residential and boarding and hospital accommodation, chapels or other places of religious worship, administrative offices, recreational and other incidental developments for the directors, administrators, servants, faculty and students of the corporation.

Board of
directors.

7.—(1) All the affairs and business of the corporation shall be managed by a board of directors composed of five persons and the persons named in section 1 shall be the directors and shall hold office subject to this Act and the by-laws of the corporation.

Quorum.

(2) Three members of the board shall constitute a quorum and all matters shall be decided by the vote of the majority

of the directors then present, provided that in the event of a ^{Proviso.}
tie the president shall have an extra or casting vote.

(3) In case any member of the board shall die or resign his ^{Vacancies}
office or shall remove from the Province of Ontario, or be
dismissed from office by a vote of the majority of the board
then present, the remaining members shall at a meeting of
the board to be held within six months of such death, resigna-
tion, removal or dismissal elect some other person to fill the
vacancy so created and in case the remaining members neglect
to appoint some person to fill such vacancy then the Superior-
General of the Order of the Resurrection may in writing
nominate and appoint a member of the said Order to fill such
vacancy, provided that the neglect of the remaining members ^{Proviso.}
of the board to fill any vacancy shall not render the acts or
contracts of the board invalid or effect the rights, powers,
privileges and the obligations of the corporation so long as a
quorum of the board remains in office and the acts of the ma-
jority of the remaining members shall be valid and binding
upon the corporation.

(4) The members of the board shall hold office at their ^{Term of}
pleasure, subject however to the by-laws of the corporation. ^{office of}
^{directors.}

8.—(1) The officers of the corporation shall be the president ^{Officers.}
and the secretary, who shall be members of the board of
directors.

(2) The president shall be elected by the directors of the ^{President.}
corporation to hold office at the will of the directors or for
any period of time provided for by the by-laws of the cor-
poration, and he shall be the senior officer of the corporation
and shall have charge of all the ordinary business of the cor-
poration.

(3) The secretary shall be elected by the directors of the ^{Secretary.}
corporation to hold office at the will of the directors or for
any period of time provided for by the by-laws of the corpora-
tion, and he shall have charge of the current outlays and
expenses and the current revenue of the corporation but may
not incur any unusual or extraordinary expense without the
knowledge of the president.

9. The corporation may from time to time borrow money ^{Power to}
for the purposes of the corporation and hypothecate therefor ^{borrow.}
all or any assets of the corporation.

10. Every deed, mortgage, lease, conveyance, contract, ^{Execution of}
agreement or other instrument in writing shall be duly execu- ^{documents.}
ted by the corporation when the seal of the corporation is
affixed thereto, attested by the hand of the president and
secretary or any director of the corporation.

Board may
delegate
powers.

11. The board may, by a writing in specific terms, signed by each of its members, delegate any of its powers and thereafter cancel such delegation and thereafter re-delegate and re-cancel as may be required from time to time.

Power to
make
by-laws, etc.

12. The board shall have power and authority to make and establish such by-laws, rules, orders and regulations not being contrary to law, as shall be deemed useful or necessary for the corporation and the conduct and administration of its affairs.

Present
by-laws,
etc., to
continue.

13. The by-laws, rules, orders and regulations of the corporation now in force shall be and continue to be the by-laws, rules, orders and regulations of the corporation until altered or repealed.

Power to
employ
agents,
servants,
etc.

14. The board shall have power to appoint such attorneys, administrators of the property of the corporation, additional officers, managers, superintendents, professors, other servants and agents of the corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services as shall be reasonable and proper.

Conflict.

15. In the event of conflict between the Act entitled *An Act to incorporate the College of Saint Jerome, in the Town of Berlin*, being chapter 134 of the Statutes of the Province of Canada, 1866, and the Act entitled *An Act respecting the Corporation of the College of Saint Jerome, Berlin*, being chapter 133 of the Statutes of Ontario, 1903, and this Act, the provisions of this Act shall prevail.

Short title.

16. This Act may be cited as *The St. Jerome's College Act, 1947*.

BILL

An Act respecting St. Jerome's College.

1st Reading

2nd Reading

3rd Reading

MR. MEINZINGER

(*Private Bill*)

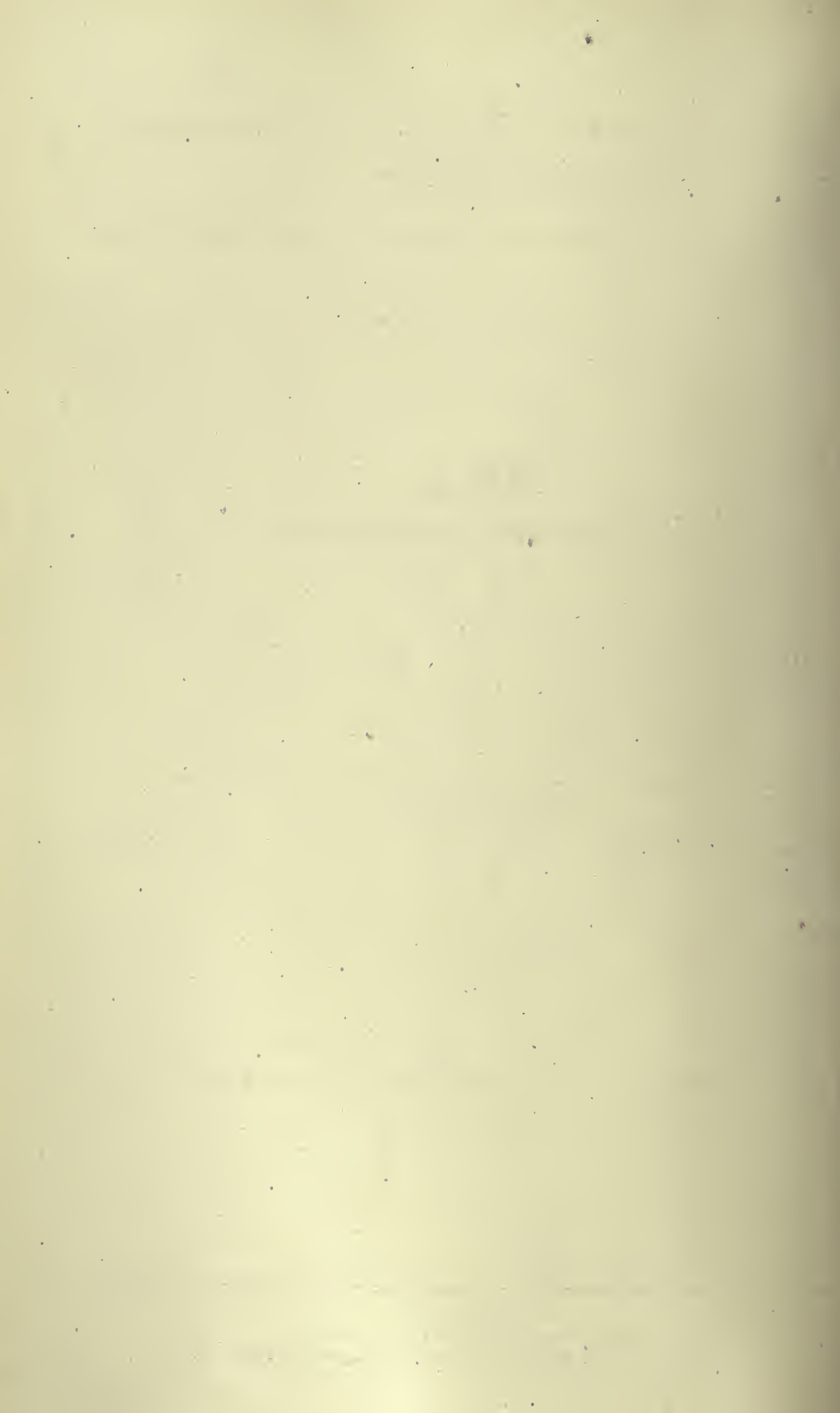
3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting St. Jerome's College.

MR. MEINZINGER

(Reprinted as amended by the Committee on Private Bills.)



No. 18

1947

BILL

An Act respecting St. Jerome's College.

WHEREAS St. Jerome's College by its petition has re- Preamble.
presented that it was incorporated by an Act entitled
An Act to incorporate the College of Saint Jerome, in the Town 1866, c. 134.
of Berlin, being chapter 134 of the Statutes of the Province of
Canada, 1866, and that it received its present name and
powers by an Act entitled *An Act respecting the Corporation* 1903, c. 133.
of the College of St. Jerome, Berlin, being chapter 133 of the
Statutes of Ontario, 1903; whereas the petitioner has prayed
for special legislation to amend its powers with respect
to the holding of property, the investment of assets and the
execution of documents; whereas for convenience it is
desired to consolidate the special legislation of the corporation;
and whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) F. Michael Weiler, Roman Anthony Hinsperger, Corporation continued.
Simon J. Winter, Michael I. Kieffer and John H. Spielmacher,
being the present members of St. Jerome's College; and their
successors are hereby continued as a body corporate and politic
under the name of St. Jerome's College, and by that name
shall have perpetual succession and a corporate seal and may
under that name sue and be sued and shall have all the powers
and privileges conferred upon it by this Act and also all the
powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects, purposes and business of the corporation.

(2) The head office of the corporation shall be at the City Head office.
of Kitchener.

2. The corporation shall have power from time to time to Seal.
alter, renew or change its corporate seal at its pleasure, provided that the corporate seal shall always contain the name of the corporation.

Power to
hold, etc.,
property.

3.—(1) The corporation is hereby empowered to purchase, acquire, hold, possess and enjoy and to have, take and receive to it and its successors to and for the uses and purposes of the corporation any lands, tenements, hereditaments, real and immovable property and real and personal property and the same to sell, alienate, lease, mortgage, pledge and dispose of and to purchase others in their stead for the same purpose.

No power to
expropriate
land.

(2) Nothing in this Act shall be deemed to include the right to expropriate land or other property.

Idem.

4. The corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless the same are actually used or occupied for the purposes of the corporation; and to the extent that any such lands or tenements are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*.

Rev. Stat.,
c. 147.

Investment
of funds..

5. Subject to the limitations imposed by any specific trust as to same, the corporation may invest the proceeds of the disposition of any property referred to in section 4 in any public securities of the Province of Ontario, mortgages or other trustee securities and may invest any other assets of the corporation in such securities as the board may determine.

General
powers.

6. The corporation may maintain, administer, conduct and develop an institution of learning in the County of Waterloo and may erect such buildings and provide such facilities as may be deemed necessary to carry out the objects of the corporation; provided that the corporation shall not confer degrees except through an affiliation with another institution of learning empowered to confer degrees in the Province of Ontario.

Proviso.

Board of
directors.

7.—(1) All the affairs and business of the corporation shall be managed by a board of directors composed of five persons and the persons named in section 1 shall be the directors and shall hold office subject to this Act and the by-laws of the corporation.

Quorum.

(2) Three members of the board shall constitute a quorum and all matters shall be decided by the vote of the majority

of the directors then present, provided that in the event of a ^{Proviso.}
tie the president shall have an extra or casting vote.

(3) In case any member of the board shall die or resign his ^{Vacancies}
office or shall remove from the Province of Ontario, or be
dismissed from office by a vote of the majority of the board
then present, the remaining members shall at a meeting of
the board to be held within six months of such death, resigna-
tion, removal or dismissal elect some other person to fill the
vacancy so created and in case the remaining members neglect
to appoint some person to fill such vacancy then the Superior-
General of the Order of the Resurrection may in writing
nominate and appoint a member of the said Order to fill such
vacancy, provided that the neglect of the remaining members ^{Proviso.}
of the board to fill any vacancy shall not render the acts or
contracts of the board invalid or effect the rights, powers,
privileges and the obligations of the corporation so long as a
quorum of the board remains in office and the acts of the ma-
jority of the remaining members shall be valid and binding
upon the corporation.

(4) The members of the board shall hold office at their ^{Term of}
pleasure, subject however to the by-laws of the corporation. ^{office of}
^{directors.}

8.—(1) The officers of the corporation shall be the president ^{Officers.}
and the secretary, who shall be members of the board of
directors.

(2) The president shall be elected by the directors of the ^{President.}
corporation to hold office at the will of the directors or for
any period of time provided for by the by-laws of the cor-
poration, and he shall be the senior officer of the corporation
and shall have charge of all the ordinary business of the cor-
poration.

(3) The secretary shall be elected by the directors of the ^{Secretary.}
corporation to hold office at the will of the directors or for
any period of time provided for by the by-laws of the corpora-
tion, and he shall have charge of the current outlays and
expenses and the current revenue of the corporation but may
not incur any unusual or extraordinary expense without the
knowledge of the president.

9. The corporation may from time to time borrow money ^{Power to}
for the purposes of the corporation and hypothecate therefor ^{borrow.}
all or any assets of the corporation.

10. Every deed, mortgage, lease, conveyance, contract, ^{Execution of}
agreement or other instrument in writing shall be duly exe- ^{documents.}
cuted by the corporation when the seal of the corporation is
affixed thereto, attested by the hand of the president and
secretary or any director of the corporation.

Board may
delegate
powers.

11. The board may, by a writing in specific terms, signed by each of its members, delegate any of its powers and thereafter cancel such delegation and thereafter re-delegate and re-cancel as may be required from time to time.

Power to
make
by-laws, etc.

12. The board shall have power and authority to make and establish such by-laws, rules, orders and regulations not being contrary to law, as shall be deemed useful or necessary for the corporation and the conduct and administration of its affairs.

Present
by-laws,
etc., to
continue.

13. The by-laws, rules, orders and regulations of the corporation now in force shall be and continue to be the by-laws, rules, orders and regulations of the corporation until altered or repealed:

Power to
employ
agents,
servants,
etc.

14. The board shall have power to appoint such attorneys, administrators of the property of the corporation, additional officers, managers, superintendents, professors, other servants and agents of the corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services as shall be reasonable and proper.

Conflict.

15. In the event of conflict between the Act entitled *An Act to incorporate the College of Saint Jerome, in the Town of Berlin*, being chapter 134 of the Statutes of the Province of Canada, 1866, and the Act entitled *An Act respecting the Corporation of the College of Saint Jerome, Berlin*, being chapter 133 of the Statutes of Ontario, 1903, and this Act, the provisions of this Act shall prevail.

Short title.

16. This Act may be cited as *The St. Jerome's College Act, 1947*.

An Act respecting St. Jerome's College.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. MEINZINGER

*(Reprinted as amended by the Committee on
Private Bills.)*

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting St. Jerome's College.

MR. MEINZINGER

BILL

An Act respecting St. Jerome's College.

WHEREAS St. Jerome's College by its petition has re- Preamble.
presented that it was incorporated by an Act entitled
An Act to incorporate the College of Saint Jerome, in the Town 1866, c. 134.
of Berlin, being chapter 134 of the Statutes of the Province of
Canada, 1866, and that it received its present name and
powers by an Act entitled *An Act respecting the Corporation* 1903, c. 133
of the College of St. Jerome, Berlin, being chapter 133 of the
Statutes of Ontario, 1903; whereas the petitioner has prayed
for special legislation to amend its powers with respect
to the holding of property, the investment of assets and the
execution of documents; whereas for convenience it is
desired to consolidate the special legislation of the corporation;
and whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) F. Michael Weiler, Roman Anthony Hinsperger, Corporation continued.
Simon J. Winter, Michael I. Kieffer and John H. Spielmacher,
being the present members of St. Jerome's College, and their
successors are hereby continued as a body corporate and politic
under the name of St. Jerome's College, and by that name
shall have perpetual succession and a corporate seal and may
under that name sue and be sued and shall have all the powers
and privileges conferred upon it by this Act and also all the
powers and privileges and immunities vested by law in cor-
porations necessary or proper for the carrying out of the ob-
jects, purposes and business of the corporation.

(2) The head office of the corporation shall be at the City Head office.
of Kitchener.

2. The corporation shall have power from time to time to Seal.
alter, renew or change its corporate seal at its pleasure, pro-
vided that the corporate seal shall always contain the name
of the corporation.

Power to hold, etc., property.

3.—(1) The corporation is hereby empowered to purchase, acquire, hold, possess and enjoy and to have, take and receive to it and its successors to and for the uses and purposes of the corporation any lands, tenements, hereditaments, real and immovable property and real and personal property and the same to sell, alienate, lease, mortgage, pledge and dispose of and to purchase others in their stead for the same purpose.

No power to expropriate land.

(2) Nothing in this Act shall be deemed to include the right to expropriate land or other property.

Idem.

4. The corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless the same are actually used or occupied for the purposes of the corporation; and to the extent that any such lands or tenements are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*.

Rev. Stat., c. 147.

Investment of funds.

5. Subject to the limitations imposed by any specific trust as to same, the corporation may invest the proceeds of the disposition of any property referred to in section 4 in any public securities of the Province of Ontario, mortgages or other trustee securities and may invest any other assets of the corporation in such securities as the board may determine.

General powers.

6. The corporation may maintain, administer, conduct and develop an institution of learning in the County of Waterloo and may erect such buildings and provide such facilities as may be deemed necessary to carry out the objects of the corporation; provided that the corporation shall not confer degrees except through an affiliation with another institution of learning empowered to confer degrees in the Province of Ontario.

Proviso.

Board of directors.

7.—(1) All the affairs and business of the corporation shall be managed by a board of directors composed of five persons and the persons named in section 1 shall be the directors and shall hold office subject to this Act and the by-laws of the corporation.

Quorum.

(2) Three members of the board shall constitute a quorum and all matters shall be decided by the vote of the majority

of the directors then present, provided that in the event of a ^{Proviso.} tie the president shall have an extra or casting vote.

(3) In case any member of the board shall die or resign his ^{Vacancies} office or shall remove from the Province of Ontario, or be dismissed from office by a vote of the majority of the board then present, the remaining members shall at a meeting of the board to be held within six months of such death, resignation, removal or dismissal elect some other person to fill the vacancy so created and in case the remaining members neglect to appoint some person to fill such vacancy then the Superior-General of the Order of the Resurrection may in writing nominate and appoint a member of the said Order to fill such vacancy, provided that the neglect of the remaining members ^{Proviso.} of the board to fill any vacancy shall not render the acts or contracts of the board invalid or effect the rights, powers, privileges and the obligations of the corporation so long as a quorum of the board remains in office and the acts of the majority of the remaining members shall be valid and binding upon the corporation.

(4) The members of the board shall hold office at their ^{Term of office of directors.} pleasure, subject however to the by-laws of the corporation.

8.—(1) The officers of the corporation shall be the president ^{Officers.} and the secretary, who shall be members of the board of directors.

(2) The president shall be elected by the directors of the ^{President.} corporation to hold office at the will of the directors or for any period of time provided for by the by-laws of the corporation, and he shall be the senior officer of the corporation and shall have charge of all the ordinary business of the corporation.

(3) The secretary shall be elected by the directors of the ^{Secretary.} corporation to hold office at the will of the directors or for any period of time provided for by the by-laws of the corporation, and he shall have charge of the current outlays and expenses and the current revenue of the corporation but may not incur any unusual or extraordinary expense without the knowledge of the president.

9. The corporation may from time to time borrow money ^{Power to borrow.} for the purposes of the corporation and hypothecate therefor all or any assets of the corporation.

10. Every deed, mortgage, lease, conveyance, contract, ^{Execution of documents.} agreement or other instrument in writing shall be duly executed by the corporation when the seal of the corporation is affixed thereto, attested by the hand of the president and secretary or any director of the corporation.

Board may
delegate
powers.

11. The board may, by a writing in specific terms, signed by each of its members, delegate any of its powers and thereafter cancel such delegation and thereafter re-delegate and re-cancel as may be required from time to time.

Power to
make
by-laws, etc.

12. The board shall have power and authority to make and establish such by-laws, rules, orders and regulations not being contrary to law, as shall be deemed useful or necessary for the corporation and the conduct and administration of its affairs.

Present
by-laws,
etc., to
continue.

13. The by-laws, rules, orders and regulations of the corporation now in force shall be and continue to be the by-laws, rules, orders and regulations of the corporation until altered or repealed.

Power to
employ
agents,
servants,
etc.

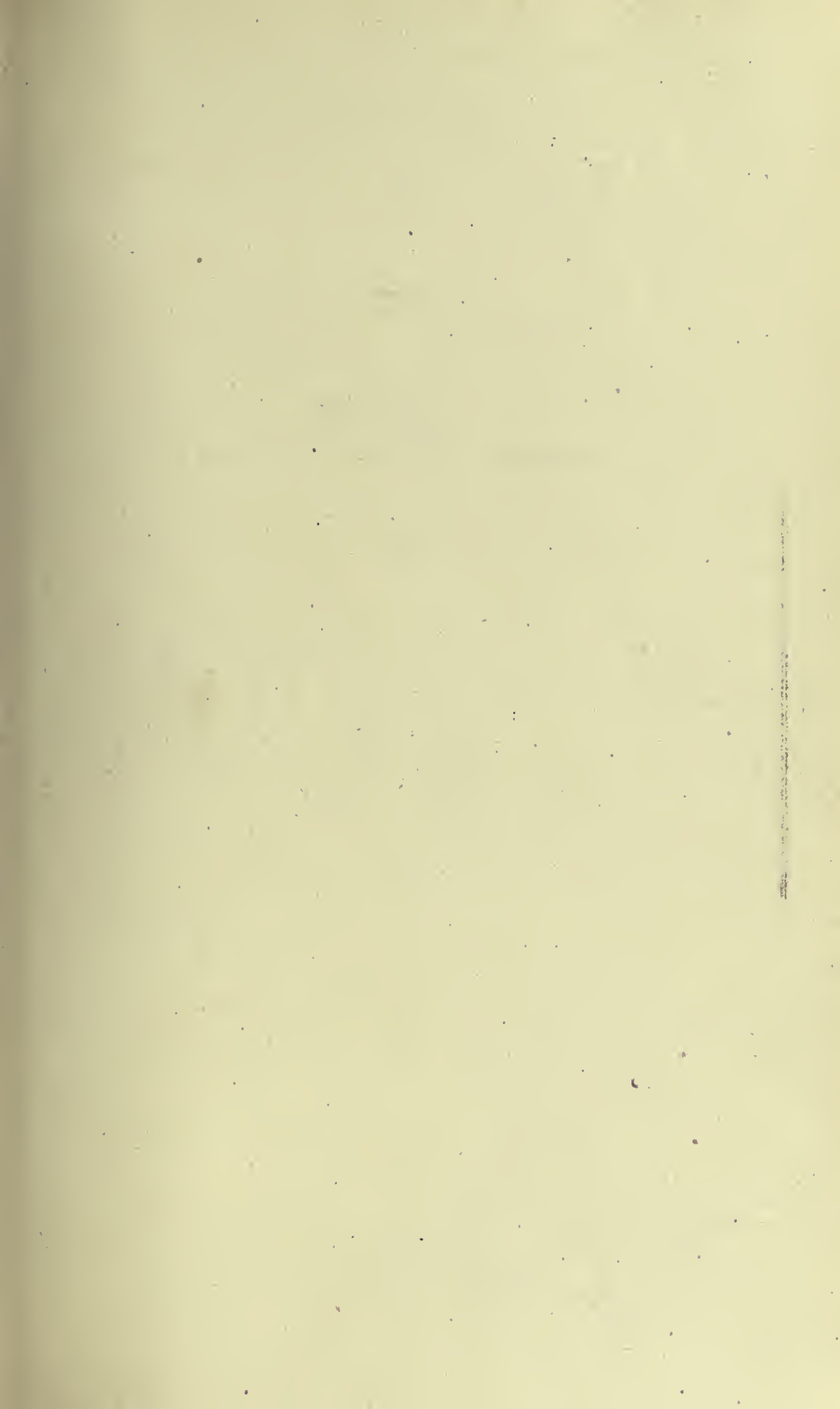
14. The board shall have power to appoint such attorneys, administrators of the property of the corporation, additional officers, managers, superintendents, professors, other servants and agents of the corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services as shall be reasonable and proper.

Conflict.

15. In the event of conflict between the Act entitled *An Act to incorporate the College of Saint Jerome, in the Town of Berlin*, being chapter 134 of the Statutes of the Province of Canada, 1866, and the Act entitled *An Act respecting the Corporation of the College of Saint Jerome, Berlin*, being chapter 133 of the Statutes of Ontario, 1903, and this Act, the provisions of this Act shall prevail.

Short title.

16. This Act may be cited as *The St. Jerome's College Act, 1947*.



1st Reading

March 20th, 1947

2nd Reading

March 31st, 1947

3rd Reading

April 2nd, 1947

MR. MEINZINGER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Cobourg.

MR. CREIGHTON

(PRIVATE BILL) •

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Cobourg.

WHEREAS the Corporation of the Town of Cobourg Preamble.
by its petition has prayed for special legislation with
respect to the Cobourg Memorial Rink and Recreational
Centre; and whereas it is expedient to grant the prayer of the
said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subject to the assent of the electors entitled to vote on Memorial
Rink and
Recreation
Centre
debentures
authorized.
money by-laws and to the approval of the Ontario Municipal
Board, the council of the Corporation of the Town of Cobourg
is hereby authorized to pass the proposed by-law number
1817, set out as schedule A hereto, being a by-law to authorize
the issue of debentures for \$50,000 for granting aid to the
Cobourg Memorial Rink and Recreational Centre, and when
so passed the said by-law shall be legal, valid and binding
upon the Corporation and the ratepayers thereof.

2. By-Law number 1818 passed by the council of the By-law
1818 and
agreement
validated.
Corporation of the Town of Cobourg on the 10th day of
March, 1947, set out as schedule B hereto, being a by-law
to confirm and authorize the execution of the agreement
dated the 7th day of March, 1947, between the Corporation
of the Town of Cobourg and the Cobourg Memorial Rink
and Recreational Centre, is hereby confirmed and declared
to be legal, valid and binding upon the Corporation and the
ratepayers thereof, and the said agreement, a copy of which is
annexed to the said by-law, is hereby confirmed and declared
to be legal, valid and binding upon the Corporation and the
ratepayers thereof and the Cobourg Memorial Rink and
Recreational Centre.

3. Subject to the approval of the Ontario Municipal Power to
acquire
land.
Board, the Corporation of the Town of Cobourg may acquire
land, by expropriation if necessary, which may be required

for the purposes of the Cobourg Memorial Rink and Recreational Centre.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Town of Cobourg Act, 1947*.

SCHEDULE A

BY-LAW Number 1817.

A By-law to authorize the issue of Debentures for \$50,000.00 for granting aid to the Cobourg Memorial Rink and Recreational Centre.

WHEREAS the Cobourg Memorial Rink and Recreational Centre is a Charitable Organization for the purpose of organizing such activities tending to promotion of the health, social welfare and recreation of the people of the Town of Cobourg and district and is composed of the citizens and Societies interested in the said objects;

AND WHEREAS the Council of the Corporation of the Town of Cobourg has been approached by the Cobourg Memorial Rink and Recreational Centre which has requested the Council to grant to the Cobourg Memorial Rink and Recreational Centre a sum not exceeding Fifty Thousand (\$50,000.00) Dollars to aid in the construction of an Arena for the purpose of providing proper facilities for recreation and sports and a forum for public gatherings;

AND WHEREAS it is provided by Section 404, paragraph 5 of The Municipal Act, being Chapter 266 of the Revised Statutes of Ontario, 1937, that by-laws may be passed by the Councils of all Municipalities for granting aid to any Charitable Institution;

AND WHEREAS the Council deems it expedient in the interests of the community at large to further the requests of the Cobourg Memorial Rink and Recreational Centre with a view to providing such facilities for the children, youth, industrial workers and citizens generally;

AND WHEREAS the Cobourg Memorial Rink and Recreational Centre has received by public subscription a sum in excess of Ten Thousand (\$10,000.00) Dollars, and requests the Council of the Corporation of the Town of Cobourg to submit a by-law to the electors entitled to vote on money by-laws for the purpose of obtaining their assent to the issue of debentures for the sum of Fifty Thousand (\$50,000.00) Dollars for the purposes aforesaid;

AND WHEREAS the Council deems it expedient to submit this By-law and, if assented to, to validate it by special legislation to issue debentures for the sum of Fifty Thousand (\$50,000.00) Dollars to grant to the Cobourg Memorial Rink and Recreational Centre for the purpose aforesaid, which amount with interest thereon is the maximum amount of the debt to be created by this By-law;

AND WHEREAS it is expedient to make the principal of the said debt, repayable in yearly sums, during the period of ten years, of such amounts respectively, that the aggregate amount payable for principal and interest in any year, shall be equal as nearly as may be, to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary to raise annually, during the period of ten years, to pay the said annual instalments of principal and interest, as they become due and payable, the sums hereinafter specified, by a special rate, sufficient therefor, over and above all other rates, on all rateable property in the municipality;

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is \$3,171,578.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessment, is \$40,170.15, and no part of the principal or interest in respect thereof is in arrears.

NOW THEREFORE, the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. That for the purpose aforesaid, it shall be lawful for the Council of the Corporation of the Town of Cobourg to borrow upon Debentures of the Corporation the sum of Fifty Thousand (\$50,000.00) Dollars and Debentures shall be made and issued therefor in sums of not less than One Hundred (\$100.00) Dollars each, which Debentures shall be signed by the Mayor and countersigned by the Treasurer of the said Town and sealed with the Corporate Seal.

2. That the debentures shall all bear the same date, and shall be issued within two years after the date on which this By-law is passed, and may bear any date within such two years, and shall be payable in ten annual instalments, during the ten years next, after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

	Interest	Principal	Total
1.....	\$1,500.00	\$4,361.52	\$5,861.52
2.....	1,369.15	4,492.37	5,861.52
3.....	1,234.37	4,627.15	5,861.52
4.....	1,095.56	4,765.96	5,861.52
5.....	952.59	4,908.93	5,861.52
6.....	805.32	5,056.20	5,861.52
7.....	653.63	5,207.89	5,861.52
8.....	497.39	5,364.13	5,861.52
9.....	336.47	5,525.05	5,861.52
10.....	170.72	5,690.80	5,861.52

3. That the debentures as to both principal and interest may be expressed in Canadian Currency, and shall be payable at the Bank of Toronto, in the Town of Cobourg.

4. That during the ten years, the currency of the said debentures, the sum of Five Thousand, Eight Hundred and Sixty-one Dollars and Fifty-two cents (\$5,861.52), shall be raised annually, by a special rate sufficient therefor, over and above all other rates, on all rateable property in the Municipality, at the same time, and in the same manner as other rates.

5. That the Mayor of the Corporation shall sign and issue the debentures, and the same shall also be signed by the Clerk-Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

6. That the coupons attached to the said debentures may have engraved, or lithographed, or printed thereon, the signature of the Clerk-Treasurer.

7. This By-law shall not come into force or effect until assented to by the electors entitled to vote on money By-laws and validated by a Special Act of the Legislative Assembly of the Province of Ontario.

8. No debentures shall be issued or sold until the Trustees of the Cobourg Memorial Rink and Recreational Centre certify to the Council of the Town Corporation that they have raised by public subscription the sum of not less than Ten Thousand (\$10,000.00) Dollars.

This By-Law shall come into full force and effect on the final passing thereof, and when the same has been validated in accordance with the provisions herein.

Read a first and second time this Twenty-fifth day of February, A.D. 1947.

.....
Clerk.

.....
Mayor.

SCHEDULE B

BY-LAW Number 1818.

A By-law to confirm and authorize the execution of the Agreement dated the 7th day of March, 1947, between the Corporation of the Town of Cobourg and the Cobourg Memorial Rink and Recreational Centre.

WHEREAS the Council of the Corporation of the Town of Cobourg has been approached by the Cobourg Memorial Rink and Recreational Centre which has requested the Council to grant to the Cobourg Memorial Rink and Recreational Centre a sum not exceeding Fifty Thousand (\$50,000.00) Dollars to aid in the construction of an Arena for the purpose of providing proper facilities for recreation and sports and a forum for public gatherings.

AND WHEREAS the Council of the Corporation of the Town of Cobourg has passed By-law No. 1817, being a by-law to authorize the issue of debentures for Fifty Thousand (\$50,000.00) Dollars for granting aid to the Cobourg Memorial Rink and Recreational Centre, which is to be submitted at a date later to be fixed by Council to the electors entitled to vote on money by-laws.

AND WHEREAS it is deemed expedient to enter into an Agreement expressing the manner in which the said Cobourg Memorial Rink and Recreational Centre is to be constructed, the terms and conditions under which it is to be managed, regulated and controlled by the Board, and the manner in which the said sum is to be granted to the said Cobourg Memorial Rink and Recreational Centre.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. That the Mayor and Clerk be and they are hereby authorized and instructed to sign and attach the seal of the Corporation to the Agreement entered into between the Corporation of the Town of Cobourg and The Cobourg Memorial Rink and Recreational Centre dated the 7th day of March, 1947, a copy of which said Agreement is hereunto annexed.

Read a first time, read a second time, and read a third time and finally passed in Council this 10th day of March, 1947.

(Seal)	ROY D. DODGE, <div style="text-align: right;"><i>Mayor.</i></div>
	J. B. EWART, <div style="text-align: right;"><i>Clerk.</i></div>

THIS AGREEMENT made this Seventh day of March, A.D. 1947.

BETWEEN:

THE CORPORATION OF THE TOWN OF COBOURG, hereinafter called the "Corporation"

OF THE FIRST PART:

—and—

THE COBOURG MEMORIAL RINK AND RECREATIONAL CENTRE, hereinafter called the "Centre"

OF THE SECOND PART:

WHEREAS the Council of the Corporation has given a first and second reading to By-Law Number 1817, "A By-Law to authorize the issue of Debentures for \$50,000.00 for granting aid to the Cobourg Memorial Rink and Recreational Centre", which is to be submitted to the votes

of the Electors entitled to vote on money By-Laws and proposes, upon receipt of a Certificate from the Board of Directors of the Centre to the effect that at least Ten Thousand (\$10,000.00) Dollars or more has been received by it from public subscriptions, to grant aid to the said Centre in a sum not exceeding Fifty Thousand (\$50,000.00) Dollars to be paid to the Centre as herein provided, to construct an arena for the purpose of providing proper facilities for recreation and sports for the children, youth, industrial workers and citizens generally, and a forum for public gatherings.

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for Authority to issue debentures and to grant the said sum to the Centre and to enter into this Agreement.

AND WHEREAS the Council proposes to vest the general management, regulations and control of The Cobourg Memorial Rink and Recreational Centre in the Board of the Centre.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter to be performed the parties hereby covenant and agree as follows:

1. Upon receipt of a certificate from the Board of Directors of the said Centre certifying that the said Board of Directors have received from public subscriptions the sum of at least Ten Thousand (\$10,000.00) Dollars or more, to construct the said arena for the purpose of providing proper facilities for recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings, the Council of the Corporation of the Town of Cobourg shall grant to the said Board of Directors of the Centre a sum not exceeding Fifty Thousand (\$50,000.00) Dollars to be used for such purpose.

2. A Committee known as a Building Committee composed of three members of the said Centre nominated by the said Centre and four members nominated by the Council of the Corporation, one of whom must be a member of the Council, shall then be appointed.

3. The first meeting of the Building Committee shall be called by the Mayor not later than one month after the enabling Act receives the Royal Assent and at that meeting and at all necessary adjournment thereof, the Building Committee shall by regulations duly enacted thereat, provide for the conduct of its own affairs.

4. The duties of the Building Committee shall be to:

- (1) Recommend to the Board of Directors of the Centre and the Council of the Corporation the approval and adoption of the Plans and Specifications as submitted to it by the Committee of the Centre in charge of obtaining Plans and Specifications.
- (2) Call for Tenders thereon and let such contract or contracts as it may deem advisable upon obtaining the approval and adoption of the said Plans and Specifications.
- (3) Supervise the construction of the said Arena pursuant to the Plans and Specifications as finally approved.
- (4) Make monthly written reports to the Council and Board of Directors of Centre reporting the progress made in the construction of the Centre.

5. The Treasurer of the Corporation shall pay to the Centre out of the aforesaid Fund, Five-sixths of the amount of all accounts as approved and submitted by the Building Committee until the amount hereby agreed to be given shall have been exhausted.

6. No substantial alteration, modification or change or any alteration, modification or change involving any expenditure exceeding Two Hundred and Fifty (\$250.00) Dollars shall be made by the Building Committee in

the plans and specifications finally approved and upon which the contracts have been let without the approval of Council and the Board of Directors of the Centre as expressed by Resolution thereof.

7. A site suitable to the said Council and to the Board of Directors of the Centre shall be agreed upon and approved by the Resolutions thereof and the Centre shall convey or cause to be conveyed to the said Corporation all lands used or to be used in connection with the said Arena free and clear of all encumbrances and the Corporation shall not be obliged to advance any portion of the said sum of Fifty Thousand (\$50,000.00) Dollars until such conveyance is delivered to the said Corporation.

8. Upon completion of the said Arena, the Centre shall assign and transfer all its machinery, equipment and other chattels used in connection with the said Centre to the said Corporation free of any liens as aforesaid.

9. Prior to the completion of the Arena, there shall be constituted a Board to be known as "The Board of Trustees and Managers of The Cobourg Memorial Rink and Recreational Centre hereinafter called the "Board".

10. The Board shall consist of three members of the said Centre nominated annually by the said Centre and four members nominated annually by the Council, one of whom must be a member of the Council, but a member of Council so appointed may hold office only so long as he is a member of Council. Nominations made in the month of April to be effective as of the Thirty-first day of May in each year, the tenure of office to be from the First day of June to the Thirty-first day of May in the next succeeding year or until their successors shall have been appointed.

11. The general management, regulation and control of the said Arena shall be vested by the Centre in and shall be exercised by the Board, and it shall be the duty of the Board to manage, regulate and control the said Arena in accordance with the terms of this Agreement and the Board shall properly maintain the said Arena and grounds thereof.

12. When the construction of the Arena has been completed such portion of the funds remaining in the hands of the Centre and raised for the purpose of constructing the said Arena shall be transferred to the said Board to be used by it for the purpose of operating and maintaining the said Arena.

13. The first meeting of the Board shall be called by the Mayor of the Town of Cobourg as Chairman, at which meeting the Board shall, by regulations duly enacted provide for the conduct of its own affairs.

14. The Board shall have power:

- (1) To pass By-laws not contrary to or inconsistent with this agreement, to provide for the regulation and conduct of the proceedings of all its affairs.
- (2) To fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of or admission to the said Centre.
- (3) (a) To employ all necessary help and assistance for the operation and maintenance of the Centre.
- (b) To carry such insurance as is deemed advisable.
- (c) To provide fuel, lighting and other accommodation.
- (d) To do all things of an ordinary nature necessary to keep the Centre in a proper state of preservation and repair.
- (e) To keep proper books of account of its financial affairs and records of its proceedings which shall be submitted

to and approved by the Town Auditor who shall audit the said books and records and render an annual financial statement to the Town Council and the Board in the same manner as for other Municipal bodies.

- (f) To borrow money not exceeding the sum of Two Thousand and Five Hundred (\$2,500.00) Dollars in any one year and to obtain advances upon the credit of the Centre from any bank, corporation or person, at such times, in such amounts, and on such terms as they may think proper, either by discounting or causing to be discounted negotiable paper or instruments made, drawn, accepted or endorsed by the Board, by overdraft, by arranging for credit, or by way of loans, advances or otherwise howsoever.

- (4) No expenditure for capital or permanent improvements, such as the construction of further facilities or units at the Centre or elsewhere in the Town of Cobourg, shall be made until the approval of the Town Council has been obtained by by-law or resolution.

15. Any surplus resulting from the year's operations shall at the end of the Fiscal year be turned over to the Board of Directors of the Centre, less such an amount for future operations as the Board may indicate.

16. Any surplus from operations after setting up all proper reserves not used or set aside by the Board of Directors of the Centre for such of its purposes and objects to be carried on within the Town of Cobourg from time to time, be paid over to the Corporation.

17. The fiscal year for the purposes of the general management of the said Arena shall end on the Thirtieth day of April in each year.

18. The Board shall meet at least once every three months and more frequently if so desired, and there shall be furnished at each such quarterly meeting the Financial Statement of the said Arena.

19. The Council of the Corporation shall, upon a Member of the Board not being also a Member of the Council, retiring or otherwise ceasing to be a Member of the Board, appoint a new Member to fill the vacancy and such new Member shall hold office until the nomination of a new Board, provided that nothing herein shall prevent such Member being nominated a Member of the new Board. This provision shall apply also to the Building Committee.

20. The members of the Building Committee and the Members of the Board shall serve without remuneration but may employ such professional assistance as they may deem necessary.

21. Either party may at its own pleasure recall any or all of its Nominees and may substitute others, due notice of any recall being given to the Chairman of the Committee of Board to be so affected.

22. The Board shall have all the powers necessary to the carrying out of the terms of this Agreement and in the general management, regulation and control of the said Arena, and where the provisions of any Public or Private Act shall be in conflict with this Agreement the provisions of the Agreement shall apply.

23. This Agreement may be amended at any time and from time to time by the mutual consent of the parties hereto expressed by By-Law of the Council of the Corporation and by Resolution of The Cobourg Memorial Rink and Recreational Centre, provided such amendment receives all necessary approvals.

24. All expenses and disbursements involved in the preparation of all By-Laws, Agreements, Elections, Bills and approvals and applications necessary or incidental to the said grant of Fifty Thousand (\$50,000.00)

Dollars herein provided shall be deductible by the Corporation out of the said sum of Fifty Thousand (\$50,000.00) Dollars.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective Corporate Seals under the hands of their duly authorized Officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Seal)

H. BRENT.

As to the signatures of J. C. M.
German and Robt. Lucas.

THE CORPORATION OF THE
TOWN OF COBOURG.

ROY D. DODGE, *Mayor.*

G. B. EWART, *Clerk.*

THE COBOURG MEMORIAL RINK
AND RECREATIONAL CENTRE.

J. C. M. GERMAN, *President.*

ROBT. LUCAS, *Secretary.*

An Act respecting the Town of Cobourg.

1st Reading

2nd Reading

3rd Reading

MR. CREIGHTON

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Village of Burks Falls.

MR. ARMSTRONG

(PRIVATE BILL)

BILL

An Act respecting the Village of Burks Falls.

WHEREAS the Corporation of the Village of Burks Falls Preamble.
by its petition has prayed for special legislation to
enable it to obtain electric power from The Hydro-Electric
Power Commission of Ontario under Part IV of *The Power* Rev. Stat.,
Commission Act providing for the distribution of power in c. 62.
rural power districts; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the purposes of *The Power Commission Act* the Corporation of the Village of Burks Falls shall be deemed a township municipality and Part IV of *The Power Commission Act* Burks Falls deemed a township for power purposes. shall apply accordingly.

2. This Act may be cited as *The Village of Burks Falls Act*, 1947.

An Act respecting the Village of
Burks Falls.

1st Reading

2nd Reading

3rd Reading

MR. ARMSTRONG

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend the Terms of the LeFevre Marriage Settlement.

MR. ROBERTS

(PRIVATE BILL)

BILL

An Act to amend the Terms of the LeFevre Marriage Settlement.

WHEREAS by Marriage Settlement dated the 3rd day Preamble.
of November, 1909, between Alfred George Tully
LeFevre of the first part, Gwyneth Tudor Wallis Tate (now
LeFevre) of the second part and Edmund Rolleston Tate
and Britton Osler, as Trustees, of the third part, the said
Alfred George Tully LeFevre transferred and assigned to the
said Trustees certain lands in the Township of Douro in the
County of Peterborough and certain shares of stock and
certain interests in certain insurance policies; and whereas
the said Alfred George Tully LeFevre and the said Gwyneth
Tudor Wallis Tate (now LeFevre) and Marion Pickton Osler,
the sole executrix of Britton Osler, who was the surviving
Trustee and Agnes Sydney Margaret Pocock have by their
petition prayed for special legislation changing the terms of
the said Marriage Settlement in view of the changes in con-
ditions which have occurred since the execution of the said
Marriage Settlement; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding anything contained in the said Marriage Settlement, the Trustees may at the request and with the Powers of Trustees varied.
consent of the said Alfred George Tully LeFevre and the said
Gwyneth Tudor Wallis Tate (now LeFevre), or the survivor
of them, sell, exchange or otherwise dispose of any of the
lands, stocks, shares, bonds, debentures and other assets of
the said Marriage Settlement Trust and may invest any
moneys received in the case of the sale of any assets or in the
case of the exchange or other disposition of any assets may
re-invest the proceeds in those securities which are authorized
by *The Canadian and British Insurance Companies Act, 1932* Can. 1932,
O. 46.
(Canada) for investment by Canadian insurance companies.

**Commence-
ment of Act.** **2.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **3.** This Act may be cited as *The LeFevre Marriage Settlement Act, 1947*.

An Act to amend the Terms of the
LeFevre Marriage Settlement.

1st Reading

2nd Reading

3rd Reading

MR. ROBERTS

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend the Terms of the LeFevre Marriage Settlement.

MR. ROBERTS

BILL

An Act to amend the Terms of the LeFevre Marriage Settlement.

WHEREAS by Marriage Settlement dated the 3rd day Preamble.
of November, 1909, between Alfred George Tully
LeFevre of the first part, Gwyneth Tudor Wallis Tate (now
LeFevre) of the second part and Edmund Rolleston Tate
and Britton Osler, as Trustees, of the third part, the said
Alfred George Tully LeFevre transferred and assigned to the
said Trustees certain lands in the Township of Douro in the
County of Peterborough and certain shares of stock and
certain interests in certain insurance policies; and whereas
the said Alfred George Tully LeFevre and the said Gwyneth
Tudor Wallis Tate (now LeFevre) and Marion Pickton Osler,
the sole executrix of Britton Osler, who was the surviving
Trustee and Agnes Sydney Margaret Pocock have by their
petition prayed for special legislation changing the terms of
the said Marriage Settlement in view of the changes in con-
ditions which have occurred since the execution of the said
Marriage Settlement; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding anything contained in the said Marriage Settlement, the Trustees may at the request and with the consent of the said Alfred George Tully LeFevre and the said Gwyneth Tudor Wallis Tate (now LeFevre), or the survivor of them, sell, exchange or otherwise dispose of any of the lands, stocks, shares, bonds, debentures and other assets of the said Marriage Settlement Trust and may invest any moneys received in the case of the sale of any assets or in the case of the exchange or other disposition of any assets may re-invest the proceeds in those securities which are authorized by *The Canadian and British Insurance Companies Act, 1932* Can. 1932, c. 46. ^{Powers of Trustees varied.} (Canada) for investment by Canadian insurance companies.

Commence-
ment of Act. **2.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **3.** This Act may be cited as *The LeFevre Marriage Settlement Act, 1947*.

An Act to amend the Terms of the
LeFevre Marriage Settlement.

1st Reading

March 13th, 1947

2nd Reading

March 31st, 1947

3rd Reading

April 2nd, 1947

MR. ROBERTS

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Brampton.

MR. HALL

(PRIVATE BILL)

No. 22

1947

BILL

An Act respecting the Town of Brampton.

WHEREAS the Corporation of the Town of Brampton Preamble.
by its petition has prayed for special legislation to
confirm an order of the Ontario Municipal Board annexing
parts of the Township of Chinguacousy to the Town of
Brampton; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Order P.F. B-5938 of the Ontario Municipal Annexation
order
Board dated the 11th day of February, 1947, set out as confirmed.
schedule A hereto, is hereby confirmed.

(2) The said order shall be deemed to have come into Effective
date.
effect on the 31st day of December, 1946.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The Town of Brampton Act*, Short title.
1947.

SCHEDULE A

P.F. B-5938

THE ONTARIO MUNICIPAL BOARD

Tuesday, the Eleventh day of February, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER of Section 23 of
The Municipal Act (R.S.O.
1937, Chapter 266), and amend-
ments thereto, andIN THE MATTER OF the application
of the Corporation of the Town
of Brampton, for annexation to
the Town of Brampton, of parts
of the Township of Chingua-
cousy.

UPON THE APPLICATION of the Corporation of the Town of Brampton and upon reading a certified copy of By-law number 1159 passed on the 2nd day of December, 1946, authorizing an application herein, and the Board pursuant to appointment and notice thereof as directed having this day heard what was alleged by M. Sybil Bennett, K.C., Counsel for the Applicant, and C. H. Bowyer, K.C., Solicitor for the Township, and upon consideration of the evidence adduced, and proof of notice of the Hearing having been duly filed,

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of Chinguacousy in the County of Peel described in the Schedule hereto, be and the same are hereby annexed to the Town of Brampton and shall form part of the West Ward thereof.

All adjustment of assets and liabilities as between the Municipalities, including the County of Peel, affected by this Order shall be as agreed upon, and in default of agreement as The Municipal Board may deem equitable.

At the request of the Solicitor for the Applicant the Board recommends that this annexation shall take effect on and from the 31st day of December, 1946.

This Order shall take effect only if and when confirmed by Act of the Legislature of the Province of Ontario and on the day named in such Act.

(Seal)

(Signed) R. S. COLTER,
Chairman.*Schedule*

The following is a description of the lands referred to in the Order of the Ontario Municipal Board hereunto annexed.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate lying and being in the Township of Chinguacousy, in the County of Peel, and Province of Ontario, and being composed of the West Half of Lot Number Seven (7) in the First Concession, West of Hurontario Street, in the said Township of Chinguacousy, EXCEPTING THEREOUT AND THEREFROM all that part of the West Half of the West Half of the said Lot Number Seven, (7) lying north of the right-of-way of the Canadian National Railway.

An Act respecting the Town of
Brampton.

1st Reading

2nd Reading

3rd Reading

MR. HALL

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Brampton.

MR. HALL

BILL

An Act respecting the Town of Brampton.

WHEREAS the Corporation of the Town of Brampton Preamble.
by its petition has prayed for special legislation to
confirm an order of the Ontario Municipal Board annexing
parts of the Township of Chinguacousy to the Town of
Brampton; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Order P.F. B-5938 of the Ontario Municipal Annexation
order
Board dated the 11th day of February, 1947, set out as confirmed.
schedule A hereto, is hereby confirmed.

(2) The said order shall be deemed to have come into Effective
date.
effect on the 31st day of December, 1946.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The Town of Brampton Act*, Short title.
1947.

SCHEDULE A

P.F. B-5938

THE ONTARIO MUNICIPAL BOARD

Tuesday, the Eleventh day of February, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER of Section 23 of
The Municipal Act (R.S.O.
1937, Chapter 266), and amend-
ments thereto, andIN THE MATTER OF the application
of the Corporation of the Town
of Brampton, for annexation to
the Town of Brampton, of parts
of the Township of Chingua-
cousy.

UPON THE APPLICATION of the Corporation of the Town of Brampton and upon reading a certified copy of By-law number 1159 passed on the 2nd day of December, 1946, authorizing an application herein, and the Board pursuant to appointment and notice thereof as directed having this day heard what was alleged by M. Sybil Bennett, K.C., Counsel for the Applicant, and C. H. Bowyer, K.C., Solicitor for the Township, and upon consideration of the evidence adduced, and proof of notice of the Hearing having been duly filed,

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of Chinguacousy in the County of Peel described in the Schedule hereto, be and the same are hereby annexed to the Town of Brampton and shall form part of the West Ward thereof.

All adjustment of assets and liabilities as between the Municipalities; including the County of Peel, affected by this Order shall be as agreed upon, and in default of agreement as The Municipal Board may deem equitable.

At the request of the Solicitor for the Applicant the Board recommends that this annexation shall take effect on and from the 31st day of December, 1946.

This Order shall take effect only if and when confirmed by Act of the Legislature of the Province of Ontario and on the day named in such Act.

(Seal)

(Signed) R. S. COLTER,
Chairman.*Schedule*

The following is a description of the lands referred to in the Order of the Ontario Municipal Board hereunto annexed.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate lying and being in the Township of Chinguacousy, in the County of Peel, and Province of Ontario, and being composed of the West Half of Lot Number Seven (7) in the First Concession, West of Hurontario Street, in the said Township of Chinguacousy, EXCEPTING THEREOUT AND THEREFROM all that part of the West Half of the West Half of the said Lot Number Seven, (7) lying north of the right-of-way of the Canadian National Railway.

An Act respecting the Town of
Brampton.

1st Reading

March 20th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. HALL.

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Toronto.

MR. ROBERTS

(PRIVATE BILL)

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario
enacts as follows:

1. The agreement between the Corporation of the City of City of
Toronto, the Corporation of the Township of Toronto, the Toronto,
Corporation of the Township of Toronto Gore and the Cor- Township of
poration of the County of Peel dated 21st day of February, Toronto
1947, set out as schedule A hereto, is hereby ratified and Gore and
confirmed and declared to be legal, valid and binding upon the County of
said Corporations and the ratepayers thereof. Peel
agreement
validated.

2.—(1) The Corporation of the City of Toronto, to relieve Housing
the existing emergency in housing conditions, may,— outside of
Toronto
authorized.

- (a) construct, alter, repair, equip or maintain buildings
on land owned, leased or otherwise acquired by the
Corporation outside of the municipality to provide
housing accommodation;
- (b) enter into agreements with the Crown or any person
for the construction, alteration, repair, equipment,
maintenance or management of housing accommoda-
tion on land owned, leased or otherwise acquired by
the Corporation outside of the municipality;
- (c) provide, or enter into agreements with the Crown or
any other person to provide, for the tenants of the
said housing accommodation, anything that the Cor-
poration or any local board may provide or is required
to provide for persons resident within the muni-
cipality; and

- (d) lease, sell or otherwise dispose of said housing accommodation to such persons or classes of persons and upon such terms and conditions as the council of the Corporation may decide.

Consent.

(2) The provisions of subsection 1 shall not authorize the Corporation to provide housing accommodation or municipal services outside of the municipality except with the consent of the council of the municipality in which such housing accommodation or municipal services are to be provided.

Retroactive effect.

(3) Subsection 1 shall be deemed to have taken effect on the 1st day of November, 1945.

Sick pay credit grants.

3. A by-law of the Corporation for granting to employees or any class thereof, whose employment is terminated by death or otherwise, the whole or part of such amount as is equal to the sick pay credit of the employee, passed under section 5 of *The City of Toronto Act (No. 2), 1946*, may provide that it shall have effect on any day named therein after the 12th day of December, 1943.

1946, c. 142.

Municipal Board Order P.F. B-5964 confirmed.

4.—(1) Order P.F. B-5964 of the Ontario Municipal Board, dated the 21st day of February, 1947, annexing certain lands in the Township of East York to the City of Toronto, set out as schedule B hereto, is hereby confirmed.

Municipal Board Order P.F. B-6078 confirmed.

(2) Order P.F. B-6078 of the Ontario Municipal Board, dated the 3rd day of March, 1947, annexing certain lands in the Township of North York to the City of Toronto, set out as schedule C hereto, is hereby confirmed.

Effective date.

(3) The said Orders P.F. B-5964 and P.F. B-6078 shall be deemed to have taken effect on the 1st day of January, 1947.

St. Patrick's Market lands vested in the City in fee simple.

5. The lands described in schedule D hereto are hereby vested in fee simple in the Corporation of the City of Toronto, free from any trust, but subject to a right-of-way in favour of the owners or occupants of the lands abutting the easterly limit of the said lands, in, over, along and upon the easterly ten feet of the said lands described in schedule D, and subject to a right-of-way in favour of the owners or occupants of the lands abutting the westerly limit of the said lands, in, over, along and upon the westerly ten feet of the said lands described in schedule D.

Buildings and equipment in Exhibition Park.

6. The Corporation may construct, erect, maintain, replace or repair buildings, structures, plant and equipment in Exhibition Park, Toronto, for the purposes of the exhibitions held by the Canadian National Exhibition Association and the Royal Agricultural Winter Fair Association of Canada.

7.—(1) The council of the Corporation may by by-law establish a housing authority to be known as "The Housing Authority of Toronto", and may entrust to such housing authority the construction, maintenance, control, operation and management of any housing project as defined by *The Planning Act, 1946*, any emergency housing project, any low rental housing project, any slum clearance project, or any other housing project which the Corporation has undertaken or may undertake under its powers. Establishment of "The Housing Authority of Toronto". 1946, c. 71.

(2) The said housing authority shall be a public commission and a body politic and corporate and shall consist of not less than three nor more than five members, the majority of whom shall not be members of the said council, and each of whom shall be a resident and a ratepayer of the City of Toronto and shall be appointed by the said council on the nomination of the board of control, and no appointment shall be made by such council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of the said council present and voting. Incorporation and members.

(3) The members so appointed shall hold office for three years and until their successors are appointed, provided that a member of the said council so appointed shall be deemed to have resigned therefrom when he ceases to be a member of council. Term of office.

(4) Where a vacancy in the said housing authority occurs from any cause, the council shall immediately appoint a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed. Vacancies.

(5) Any member of such housing authority shall be eligible for re-appointment on the expiration of his term of office. Re-appointment of members.

(6) The members of the said housing authority may be paid such salary or other remuneration as may be fixed by by-law of the council. Salary of members.

(7) Upon the passing of the by-law entrusting any such project to the said housing authority, all the powers, rights, authorities and privileges conferred on the said Corporation by any general or special Act with respect to the project named in the by-law shall be exercised by the said housing authority and not by the Corporation, but subject to such limitations as the by-law may provide. Rights and powers of City transferred to housing authority.

(8) The Housing Authority of Toronto shall, in particular, but not so as to restrict its general powers and duties, have the following powers and duties: Particular powers of housing authority.

- (a) To hold, lease or sell land and to construct, tear down, alter, repair, equip and maintain buildings for the purpose of carrying out any project entrusted to it.
- (b) To make rules and regulations relating to the selection of tenants of housing accommodation controlled by it, and to make agreements with such tenants for the enforcement of such rules and regulations.
- (c) To fix rentals having regard to the value of the accommodation and the ability of the tenant to pay at such amounts as may be considered reasonable to carry out the purpose of the project.
- (d) To submit to the board of control an annual budget of its estimated revenues and expenditures and to make requisitions upon the said council for all sums of money required to carry out its powers and duties, but nothing herein contained shall divest the council of its authority with reference to providing the money for such projects, and when money is so provided by the said council, the treasurer of the municipality shall, upon the certificate of the said housing authority, pay out such money.

Annual
report.

(9) Immediately after the end of each year, the said housing authority shall submit its annual report to council including a complete audited and certified financial statement of its affairs, with revenue and expense account, balance sheet and profit and loss statement.

Inspection
of books.

(10) All the books, documents, transactions and accounts of the said housing authority shall, at all times, be open for inspection by the audit department of the said City.

Debentures.

(11) Notwithstanding anything herein contained, the powers, rights, authority or privilege of the council of the Corporation to raise money by the issue of debentures or otherwise for the carrying out of any of the said projects shall not be transferred to the said housing authority.

Abolition
of housing
authority.

(12) The council of the Corporation may by by-law abolish the said housing authority, and upon such by-law coming into force the housing authority shall cease to exist and the whole of its undertaking, property, deeds, agreements, leases, mortgages and other assets shall be and become vested in the said Corporation and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made.

8. Section 18 of the Act entitled *An Act respecting the* ^{1911,}
City of Toronto, being chapter 119 of the Statutes of Ontario, ^{o. 119, s. 18,}
 1911, is amended by striking out the symbol and figures
 "\$4,000" in the second line, and inserting in lieu thereof the
 symbol and figures "\$6,000", so that the said section shall
 now read as follows:

18. Each member of the Commission, except the Mayor, ^{Salary of}
 shall be entitled to such annual salary not exceeding ^{members.}
 \$6,000, as the Board may determine.

9. The Toronto Electric Commissioners, or any other ^{Public}
 public utility commission in Toronto which is exempt or ^{utility com-}
 partially exempt from taxation, may pay for any municipal ^{missions}
 services rendered by the said Corporation. ^{authorized}
^{to pay for}
^{municipal}
^{services.}

10. In accordance with subsection 7 of section 46 of *The* ^{Council of}
Municipal Act heretofore in force, the council of the City of ^{City of}
 Toronto shall consist of the mayor and four controllers to be ^{Toronto.}
 elected by general vote, and two aldermen for each ward. ^{Rev. Stat.,}
^{c. 266.}

11. This Act shall come into force on the day upon which it ^{Commence-}
 receives the Royal Assent. ^{ment of Act.}

12. This Act may be cited as *The City of Toronto Act, 1947.* ^{Short title.}

SCHEDULE A

THIS AGREEMENT, made in quadruplicate this 21st day of February, 1947,

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO, herein-
after called "the City",

OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF TORONTO, herein-
after called "Toronto Township",

OF THE SECOND PART,

THE CORPORATION OF THE TOWNSHIP OF TORONTO GORE,
hereinafter called "Toronto Gore",

OF THE THIRD PART,

—and—

THE CORPORATION OF THE COUNTY OF PEEL, hereinafter
called "the County",

OF THE FOURTH PART.

WHEREAS His Majesty the King in right of Canada has been using for the public purposes of Canada and is the owner of the following:

- (a) the large frame building and lands used in connection therewith situate in the Township of Toronto, in the County of Peel and Province of Ontario near the Village of Malton known as "the Men's Staff House",
- (b) the frame buildings known as "the North Camp" erected on that portion of the lands in said Township of Toronto near the said Village of Malton known as the Toronto-Malton Airport, lying to the south-east of the hangar site of Trans-Canada Air Lines, such last mentioned lands being owned by the City and at present leased to His Majesty the King in right of Canada,
- (c) the large frame building and lands used in connection therewith situate on the north side of the Lakeshore Highway in the said Township of Toronto near the Village of Long Branch, known as "the Long Branch Staff House",
- (d) the frame buildings and lands used in connection therewith situate on the south side of the said Lakeshore Highway in the said Township of Toronto a short distance west of the Long Branch Staff House, known as "the Long Branch Military Camp", and
- (e) the large frame building and lands used in connection therewith situate in the Township of Toronto Gore in the said County of Peel near the said Village of Malton known as "the Women's Staff House"; and

WHEREAS the said Staff Houses and Camps are no longer required for the public purposes of Canada, and in order to assist in alleviating the existing serious shortage of housing accommodation within the municipality of the City of Toronto, His Majesty the King in right of Canada has granted the City the right to convert and use such Staff Houses and Camps for emergent housing accommodation purposes and the same have been or will be so converted and are now or will be occupied by tenants of the City, the tenants from time to time of the City occupying emergent housing accommodation in the said Staff Houses and Camps being herein-after referred to as "the Tenants"; and

WHEREAS Toronto Township, Toronto Gore and the County, in view of the use of the said Staff Houses and Camps by the City for emergent

housing accommodation purposes, have requested the City to enter into and execute these presents, which as appears by Report No. 10 of the Committee on Public Welfare of the City (as adopted in Council on the 27th day of May, 1946), and by Report No. 3 of the Board of Control of the City (as adopted in Council on the 4th day of February, 1947), the City has agreed to do;

NOW THEREFORE THIS AGREEMENT WITNESSETH, that the parties hereto hereby mutually covenant and agree as follows:—

1. The City shall,—

(a) in respect to each of the said Staff Houses and Camps from time to time and at all times during the period that tenants of the City occupy emergent housing accommodation in such Staff House or Camp, as the case may be,

- (1) provide or cause to be provided and pay the cost of all water supply, sanitary drainage, storm water drainage, fire fighting and garbage and ash removal services necessary for the operation of such Staff House or Camp as emergent housing accommodation,
- (2) provide or cause to be provided, without any cost whatsoever to Toronto Township, Toronto Gore and/or the County, all the school facilities necessary for the elementary and secondary school education of the children of the tenants of the City from time to time during such period occupying emergent housing accommodation in such Staff House or Camp,
- (3) assume and pay the costs (or proportion of the costs, as the case may be) of all or any of the following, which Toronto Township, Toronto Gore and/or the County by statute shall be liable to pay in respect to each of the tenants of the City from time to time during such period, occupying emergent housing accommodation in such Staff House or Camp, and/or his or her dependents, that is to say:—
 - (i) hospitalization and burial expenses,
 - (ii) unemployment relief,
 - (iii) maintenance of children committed temporarily or permanently to the care and custody of a Children's Aid Society, and
 - (iv) maintenance and education of children admitted to a training school established under *The Training Schools Act, 1939*, as amended, and
- (4) well and truly save, defend and keep harmless and fully indemnify Toronto Township, Toronto Gore and/or the County of, from and against all loss, costs, charges, damages and expenses whatsoever, which Toronto Township, Toronto Gore and/or the County from time to time during such period may lawfully bear, sustain, suffer, be at or be put unto for or by reason or on account of the elementary and/or secondary school education of the children of the tenants of the City from time to time during such period occupying emergent housing accommodation in such Staff House or Camp as the case may be and/or any of such children,

(b) pay to Toronto Township on the 1st day of the month of December in each year during the period that tenants of the City occupy emergent housing accommodation in the Men's Staff House, the North Camp, the Long Branch Staff House and the Long Branch Military Camp the sum of Three Hundred Dollars (\$300.00), in lieu of all municipal taxes on such last mentioned Staff Houses and Camps for that year, such annual sum to be paid to the treasurer of Toronto Township at his office at Cooksville, Ontario, and the first of such annual payments to be for the year 1946 and to be paid on the execution and delivery of this Agreement, PROVIDED, that for the year in which the City ceases to use and occupy such Staff Houses and Camps for emergent housing accommodation purposes the City shall be liable hereunder to pay to Toronto Township only such portion of the said sum of Three Hundred Dollars (\$300.00), as is

proportionate to the part of such last mentioned year during which such Staff Houses and Camps are so used and occupied by the City,

(c) pay to Toronto Gore on the 1st day of the month of December in each year during the period that tenants of the City occupy emergent housing accommodation in the Women's Staff House the sum of One Hundred and Fifty Dollars (\$150.00), in lieu of all municipal taxes on the Women's Staff House for that year, such annual sum to be paid to the Treasurer of Toronto Gore at his office at Malton, R.R. No. 3, and the first of such annual payments to be for the year 1946 and to be made on the execution and delivery of this agreement, PROVIDED, that for the year in which the City ceases to use and occupy the Women's Staff House for emergent housing accommodation purposes the City shall be liable hereunder to pay to Toronto Gore only such portion of the said sum of One Hundred and Fifty Dollars (\$150.00), as is proportionate to the part of such last mentioned year during which the Women's Staff House is so used and occupied by the City,

(d) pay to the County all costs incurred and paid by the County in respect to all criminal trials instituted against the tenants and/or their dependents in the County Court Judges' Criminal Courts, courts of the General Sessions and Assize Courts held in the County of Peel; PROVIDED, HOWEVER, and it is hereby expressly so declared and agreed by and between the City and the County that such costs so to be paid by the City to the County shall in each and every case be reduced by the amount of the fine, if any, imposed upon the accused and collected by the County, and

(e) during the period that tenants of the City occupy emergent housing accommodation in the said Staff Houses and Camps—

- (1) provide or pay for the services of a social service worker to assist the Superintendent of the Children's Aid Society for the County of Peel in the work required to be done by such Society for the tenants and/or their dependents during such period,
- (2) pay to the County in each and every year during such period the proportion of the total maintenance costs of the Peel County Health Unit for that year, which bears the same ratio to such total maintenance costs as the total number of the tenants and their dependents for such year bears to the total population of the County of Peel for such year, such total number and total population to be those as shown on the last revised Assessment rolls of the several municipalities comprising the County of Peel and such annual payments to be made by the City forthwith upon receipt of accounts therefor, and
- (3) endeavour to arrange for the provision by His Majesty the King in right of Ontario of such additional policing in the areas or any of them, in the County of Peel in which the said Staff Houses and Camps are situate as may be determined necessary by the Lieutenant-Governor in Council by reason of the use by the City of such Staff Houses and Camps for emergent housing accommodation purposes, and pay such share of the cost of any such additional policing as from time to time during such period shall be determined by the Attorney-General for Ontario as the share to be paid by the City.

2. That in consideration of the payments and indemnity by the City provided for in Clause 1 hereof, Toronto Township, Toronto Gore and the County shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the said Staff Houses and Camps, the tenants and/or the City during the periods respectively that tenants of the City occupy emergent housing accommodation in such Staff Houses and Camps; PROVIDED, HOWEVER, that nothing in this Clause contained shall be deemed to limit the rights of Toronto Township, Toronto Gore and/or the County to collect from the tenants and occupiers of the said Staff Houses and Camps during such respective periods any license or permit fee or dog tax or business tax which Toronto Township, Toronto Gore

and/or the County have or has the right to collect from inhabitants of the municipalities of the Township of Toronto, the Township of Toronto Gore or the County of Peel, as the case may be.

3. That the liability of the City provided for in Clause 1 (a) (3) hereof shall continue in respect to each of the tenants and/or his or her dependents from the time that such tenant ceases to be one of the tenants until such tenant establishes legal residence in a municipality other than the County of Peel or resides in the municipality of the County of Peel a sufficient length of time (exclusive of the duration of the residence of such tenant in such County as a tenant of the City in the said Staff Houses or Camps), to establish legal residence in such County, whichever shall first occur, it being agreed by and between the parties hereto that the words "legal residence" as used in this Clause shall mean that residence in a municipality specified by statute as being requisite to impose on such last mentioned municipality liability for the costs or proportion of costs referred to in Clause 1 (a) (3) hereof.

4. That so long as tenants of the City occupy emergent housing accommodation in the Men's Staff House and the Long Branch Staff House, Toronto Township will not require Wartime Housing Limited as agent of His Majesty the King in right of Canada to remove such Staff Houses from the municipality of the Township of Toronto, any agreement between Wartime Housing Limited as such agent and Toronto Township to the contrary notwithstanding.

5. That notwithstanding the provisions of Clause No. 5 of an existing Agreement, made between Wartime Housing Limited (acting therein as agent of His Majesty the King in right of Canada) and Toronto Gore, dated the 1st day of January, 1943, Toronto Gore will not require Wartime Housing Limited to remove the Women's Staff House from the municipality of the Township of Toronto Gore so long as tenants of the City occupy emergent housing accommodation in the Women's Staff House.

6. That all books, documents, transactions and accounts of Toronto Township, Toronto Gore and the County in respect to the payments and indemnity by the City provided for in Clauses 1 and 3 hereof shall at all times be open for inspection by the Audit Department of the City.

7. This agreement shall not come into force and effect until the same has been validated and confirmed by an Act of the Legislature of the Province of Ontario and upon such validation and confirmation this agreement shall be effective as of the 1st day of November, 1945.

8. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation effective as of the 1st day of November, 1945, validating and confirming this agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED:

In the Presence of:

Authorized by Report No. 10 of the Committee on Public Welfare, adopted in Council on the 27th day of May, 1946, and by Report No. 3 of the Board of Control, adopted in Council on the 4th day of February, 1947.

"J. W. SOMERS"
City Clerk.

THE CORPORATION OF THE CITY
OF TORONTO

"ROBERT H. SAUNDERS"
Mayor (Seal)

"G. A. LASCELLES"
Treasurer

THE CORPORATION OF THE TOWN-
SHIP OF TORONTO

"J. N. DAVIS"
Reeve. (Seal)

"J. H. PINCHIN"
Clerk.

THE CORPORATION OF THE TOWN-
SHIP OF TORONTO GORE

"R. I. WILSON"
Reeve. (Seal)

"JOHN J. JULIAN"
Clerk.

THE CORPORATION OF THE COUNTY
OF PEEL

"J. N. DAVIS"
Warden. (Seal)

"DAVID WILSON"
Clerk.

SCHEDULE B

P.F. B-5964

THE ONTARIO MUNICIPAL BOARD

Friday, the Twenty-first day of February, 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman,W. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF Section 23 of
The Municipal Act (R.S.O.
1937, Chapter 266) as amended
by Section 2, Chapter 30 (R.S.O.
1939) andIN THE MATTER OF an Application
by the Corporation of the City of
Toronto for an order of the
Board annexing to the said City
a portion of the Township of
East York adjoining the east
City limits, southerly from Moore
Avenue, as provided by By-law
No. 16721.

THE APPLICATION of the Corporation of the City of Toronto herein, having come on by appointment for hearing on Monday, the 10th day of February, 1947, and again on this day on adjournment, before this Board in the presence of Counsel for the applicant, Counsel for the Corporation of the Township of East York, Counsel for a number of interested property owners and residents of the Township of East York, a number of such property owners and residents appearing in person, this Board having heard read the affidavit proving due service and publication of the notice of hearing, according to the directions of the Board, and the other material filed, including By-law No. 16721 of the applicant Corporation authorizing the application herein, and upon hearing what was alleged by Counsel aforesaid and the aforesaid property owners and residents,

THE BOARD ORDERS under and in pursuance of the provisions of section 23 of *The Municipal Act*, as re-enacted by *The Municipal Amendment Act, 1939*,

(1) That that part of the Township of East York, in the County of York, described in Schedule "A" hereto be and the same is hereby annexed to the City of Toronto.

(2) That there shall be an adjustment of assets and liabilities between the said Township and the said City in accordance with the provisions of *The Municipal Act*.

(3) That the said Township may collect the taxes on the lands herein for the year 1947 and the City may during the said year make an assessment of the said lands upon which the taxes for the year 1948 may be levied.

(4) That the lands hereby annexed shall form part of Ward 2 of the City of Toronto.

(Seal)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

"A"

SCHEDULE TO ORDER No. B-5964

ALL AND SINGULAR that certain parcel or tract of land being that part of the Township of East York described as follows:

Commencing at the intersection of the easterly limit of part of the City of Toronto as established by Ontario Proclamation dated November 15, 1905, and being the westerly limit of the Belt Line Railway Right-of-Way as shown on a plan registered as No. 1039 in the Registry Office for the County of York with the northerly limit of Park Drive as established by By-law No. 1183 in the Township of York; thence northerly in a straight line two hundred and sixty-seven feet (267') more or less to a point in the easterly limit of the said Belt Line Railway Right-of-Way distant two hundred and fifty-four feet (254') measured northerly thereon from the easterly production of that part of the northerly limit of Park Drive lying to the west of the said right-of-way; thence northerly following the easterly limit of the Belt Line Right-of-Way four hundred and twelve feet (412'); thence still northerly in a straight line one thousand and thirty-five feet (1,035') more or less to a point in the centre line of the allowance for road between Lots 13 and 18 in the 2nd Concession from the Bay in the Township of York known as Bayview Avenue distant one thousand four hundred and thirty-one feet (1,431') measured southerly thereon from the production easterly of the southerly limit of Douglas Drive as shown on a plan registered in the Registry Office for the City of Toronto as No. E-400; thence northerly along the said centre line nine hundred and eighty-three feet (983') more or less to a point therein distant the perpendicular distance of fifty feet (50') measured easterly from the easterly limit of the said Belt Line Right-of-Way; thence northerly and north-westerly keeping always at the said distance of fifty feet (50') from the said easterly limit one thousand five hundred and fifty-five feet (1,555') more or less to the westerly limit of Bayview Avenue as aforesaid; thence north-westerly in a straight line three hundred and seventy-six feet (376') more or less to a point in the southerly limit of the right-of-way of the Ontario and Quebec division of the Canadian Pacific Railway distant twenty-five feet (25') measured north-easterly thereon from the north-easterly limit of the said Belt Line Railway Right-of-Way; thence northerly across the right-of-way of the Canadian Pacific Railway to a point in the north-westerly limit thereof distant seventy-five feet (75') measured north-easterly thereon from the said north-easterly limit of the Belt Line Railway Right-of-Way; thence north-westerly keeping always at the perpendicular distance of seventy-five feet (75') from the said north-easterly limit three hundred feet (300'); thence in a straight line three hundred and four feet (304') more or less to a point in the south limit of the lands described in Instrument No. 22946 East York which said point is at the perpendicular distance of fifty feet (50') measured north-easterly from the north-easterly limit of the said Belt Line Right-of-Way; thence north-westerly keeping always at the perpendicular distance of fifty feet (50') from the said north-easterly limit five hundred and eighty feet (580') to a point in the northerly limit of Lot 13 according to a plan filed in the Office of Land Titles at Toronto as M-363; thence continuing north-westerly in a straight line four hundred and forty-five feet (445') more or less to the south-westerly limit of the westerly part of Lot No. 2, Plan M-363; thence following that limit and along the south-westerly limit of the easterly part of Lot No. 1, Plan M-363 in all a distance of one hundred feet (100'); thence north-westerly in a straight line one hundred feet (100') more or less to a point in the easterly limit of the Belt Line Railway distant one hundred and ninety feet (190') measured southerly thereon from the southerly limit of Heath Street; thence northerly along the easterly limit of the Belt Line Railway nine hundred and ninety-five feet (995') more or less to the easterly limit of Lot No. 526, Plan 1042 York; thence northerly along that limit and its northerly production one hundred and twenty-five feet (125') to the centre line of Moore Avenue being the southerly limit of part of the City of Toronto as established by Order of the Ontario Railway and Municipal Board dated June 27th, 1914; thence westerly following the said southerly limit of the City of Toronto two hundred and sixty-three feet (263') more or less to the easterly limit of part of the City of Toronto as established by Order of the Ontario Railway and Municipal Board dated November 19th, 1912; thence south-easterly and southerly following the easterly limit of the City of Toronto to the place of beginning.

SCHEDULE C

P.F. B-6078

THE ONTARIO MUNICIPAL BOARD

Monday, the Third day of March, 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman,W. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF Section 23 of
The Municipal Act (R.S.O.
1937, Chapter 266), andIN THE MATTER OF an Application
by the Corporation of the City of
Toronto for annexation thereto
of that portion of the Township
of North York lying on the north
side of Eglinton Avenue between
Bayview Avenue and east City
limits, more particularly de-
scribed as being composed of
Block A, Registered Plan No.
1209 for the County of York,
which said parcel has been trans-
ferred to the Office of Land Titles
at Toronto and filed therein as
Parcel Number 1008, East Sec-
tion, York.

THE APPLICATION of the Corporation of the City of Toronto herein, having come on by appointment for hearing on Thursday, the 27th day of February, 1947, before this Board in the presence of Counsel for the applicant, Counsel for the Corporation of the Township of North York and Counsel for the Corporation of the County of York, this Board having heard read the affidavit proving due service and publication of the notice of hearing according to the directions of the Board, and the other material filed, including By-law No. 16848 of the applicant Corporation authorizing the application herein, and upon hearing what was alleged by Counsel aforesaid, the Board was pleased to reserve its decision until this day when,

THE BOARD ORDERS under and in pursuance of the provisions of section 23 of *The Municipal Act*, as re-enacted by *The Municipal Amendment Act, 1939*,

- (1) That that part of the Township of North York, in the County of York, described in Schedule "A" hereto be and the same is hereby annexed to the City of Toronto.
- (2) That there shall be an adjustment of assets and liabilities between the said Township and the said City in accordance with the provisions of *The Municipal Act*.
- (3) That the said Township may collect the taxes on the lands herein for the year 1947 and the City may during the said year make an assessment of the said lands upon which the taxes for the year 1948 may be levied.
- (4) That the lands hereby annexed shall form part of Ward 9 of the City of Toronto.

(Seal)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

"A"

SCHEDULE TO ORDER NO. B-6078

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, in the County of York and Province of Ontario, being composed of Block A, according to a plan filed in the Registry Office for the said County, as No. 1209, which said parcel has been transferred to the Office of Land Titles, at Toronto, and filed therein as Parcel No. 1008, East Section York.

SCHEDULE D

ST. PATRICK'S MARKET SITE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of part of Park Lot No. 13, in the First Concession from the Bay, in the Township of York (more particularly known as Lots Nos. 11, 12 and part of Lot No. 13, and part of the reservation between the rear of the lots on the east side of John Street and those on the west side of McCaul Street according to an unregistered Plan known as the Boulton Plan), the boundaries of which said parcel are described as follows:

PREMISING that the easterly limit of John Street hereinafter referred to has a bearing on North Sixteen degrees West (N. 16° W.) and governs bearings herein then,

Commencing at a point in the northerly limit of Queen Street West where the same is intersected by the production southerly of the easterly face of the easterly wall of the brick building situate on land immediately to the west of the southerly part of the herein described parcel of land and known in 1939 as No. 240 Queen Street West, the said point of intersection being distant one hundred and fifteen feet and two inches (115' 2") measured easterly along the said northerly limit of Queen Street West from the easterly limit of John Street; thence North sixteen degrees eleven minutes West (N. 16° 11' W.) three hundred feet (300'); thence easterly, parallel to the northerly limit of Queen Street West ninety feet (90'); thence South sixteen degrees eleven minutes East (S. 16° 11' E.) three hundred feet (300') to the northerly limit of Queen Street West aforesaid; thence westerly, along the last mentioned limit ninety feet (90') to the point of commencement.

An Act respecting the City of Toronto.

1st Reading

March 13th, 1947

2nd Reading

3rd Reading

MR. ROBERTS

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

BILL

An Act respecting the City of Toronto.

MR. ROBERTS

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario
enacts as follows:

1. The agreement between the Corporation of the City of City of
Toronto,
Toronto, the Corporation of the Township of Toronto, the Township of
Toronto,
Corporation of the Township of Toronto Gore and the Cor- Township of
Toronto
Gore and
County of
Peel
poration of the County of Peel dated 21st day of February,
1947, set out as schedule A hereto, is hereby ratified and
confirmed and declared to be legal, valid and binding upon the agreement
validated.
said Corporations and the ratepayers thereof.

2.—(1) The Corporation of the City of Toronto, to relieve Housing
outside of
Toronto
authorized.
the existing emergency in housing conditions, may,—

- (a) construct, alter, repair, equip or maintain buildings
on land owned, leased or otherwise acquired by the
Corporation outside of the municipality to provide
housing accommodation;
- (b) enter into agreements with the Crown or any person
for the construction, alteration, repair, equipment,
maintenance or management of housing accommoda-
tion on land owned, leased or otherwise acquired by
the Corporation outside of the municipality;
- (c) provide, or enter into agreements with the Crown or
any other person to provide, for the tenants of the
said housing accommodation, anything that the Cor-
poration or any local board may provide or is required
to provide for persons resident within the muni-
cipality; and

- (d) lease, sell or otherwise dispose of said housing accommodation to such persons or classes of persons and upon such terms and conditions as the council of the Corporation may decide.

Consent.

(2) The provisions of subsection 1 shall not authorize the Corporation to provide housing accommodation or municipal services outside of the municipality except with the consent of the council of the municipality in which such housing accommodation or municipal services are to be provided.

Retroactive effect.

(3) Subsection 1 shall be deemed to have taken effect on the 1st day of November, 1945.

Sick pay credit grants.

3. A by-law of the Corporation for granting to employees or any class thereof, whose employment is terminated by death or otherwise, the whole or part of such amount as is equal to the sick pay credit of the employee, passed under section 5 of *The City of Toronto Act (No. 2), 1946*, may provide that it shall have effect on any day named therein after the 12th day of December, 1943.

1946, c. 142.

Municipal Board Order P.F. B-5964 confirmed.

4.—(1) Order P.F. B-5964 of the Ontario Municipal Board, dated the 21st day of February, 1947, annexing certain lands in the Township of East York to the City of Toronto, set out as schedule B hereto, is hereby confirmed.

Municipal Board Order P.F. B-6078 confirmed.

(2) Order P.F. B-6078 of the Ontario Municipal Board, dated the 3rd day of March, 1947, annexing certain lands in the Township of North York to the City of Toronto, set out as schedule C hereto, is hereby confirmed.

Effective date.

(3) The said Orders P.F. B-5964 and P.F. B-6078 shall be deemed to have taken effect on the 1st day of January, 1947.

St. Patrick's Market lands vested in the City in fee simple.

5. The lands described in schedule D hereto are hereby vested in fee simple in the Corporation of the City of Toronto, free from any trust, but subject to a right-of-way in favour of the owners or occupants of the lands abutting the easterly limit of the said lands, in, over, along and upon the easterly ten feet of the said lands described in schedule D, and subject to a right-of-way in favour of the owners or occupants of the lands abutting the westerly limit of the said lands, in, over, along and upon the westerly ten feet of the said lands described in schedule D.

Buildings and equipment in Exhibition Park.

6. The Corporation may construct, erect, maintain, replace or repair buildings, structures, plant and equipment in Exhibition Park, Toronto, for the purposes of the exhibitions held by the Canadian National Exhibition Association and the Royal Agricultural Winter Fair Association of Canada.

7.—(1) The council of the Corporation may by by-law establish a housing authority to be known as "The Housing Authority of Toronto", and may entrust to such housing authority the construction, maintenance, control, operation and management of any housing project as defined by *The Planning Act, 1946*, any emergency housing project, any low rental housing project, any slum clearance project, or any other housing project which the Corporation has undertaken or may undertake under its powers.

Establishment of "The Housing Authority of Toronto".
1946, c. 71.

(2) The said housing authority shall be a public commission and a body politic and corporate and shall consist of not less than three nor more than five members, the majority of whom shall not be members of the said council, and each of whom shall be a resident and a ratepayer of the City of Toronto and shall be appointed by the said council on the nomination of the board of control, and no appointment shall be made by such council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of the said council present and voting.

Incorporation and members.

(3) The members so appointed shall hold office for three years and until their successors are appointed, provided that a member of the said council so appointed shall be deemed to have resigned therefrom when he ceases to be a member of council.

Term of office.

(4) Where a vacancy in the said housing authority occurs from any cause, the council shall immediately appoint a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Vacancies.

(5) Any member of such housing authority shall be eligible for re-appointment on the expiration of his term of office.

Re-appointment of members.

(6) The members of the said housing authority may be paid such salary or other remuneration as may be fixed by by-law of the council.

Salary of members.

(7) Upon the passing of the by-law entrusting any such project to the said housing authority, all the powers, rights, authorities and privileges conferred on the said Corporation by any general or special Act with respect to the project named in the by-law shall be exercised by the said housing authority and not by the Corporation, but subject to such limitations as the by-law may provide.

Rights and powers of City transferred to housing authority.

(8) The Housing Authority of Toronto shall, in particular, but not so as to restrict its general powers and duties, have the following powers and duties:

Particular powers of housing authority.



- (a) To hold, lease or sell land and to construct, tear down, alter, repair, equip and maintain buildings for the purpose of carrying out any project entrusted to it.
- (b) To make rules and regulations relating to the selection of tenants of housing accommodation controlled by it, and to make agreements with such tenants for the enforcement of such rules and regulations.
- (c) To fix rentals having regard to the value of the accommodation and the ability of the tenant to pay at such amounts as may be considered reasonable to carry out the purpose of the project.
- (d) To submit to the board of control an annual budget of its estimated revenues and expenditures and to make requisitions upon the said council for all sums of money required to carry out its powers and duties, but nothing herein contained shall divest the council of its authority with reference to providing the money for such projects, and when money is so provided by the said council, the treasurer of the municipality shall, upon the certificate of the said housing authority, pay out such money.

**Annual
report.**

(9) Immediately after the end of each year, the said housing authority shall submit its annual report to council including a complete audited and certified financial statement of its affairs, with revenue and expense account, balance sheet and profit and loss statement.

**Inspection
of books.**

(10) All the books, documents, transactions and accounts of the said housing authority shall, at all times, be open for inspection by the audit department of the said City.

Debentures.

(11) Notwithstanding anything herein contained, the powers, rights, authority or privilege of the council of the Corporation to raise money by the issue of debentures or otherwise for the carrying out of any of the said projects shall not be transferred to the said housing authority.

**Abolition
of housing
authority.**

(12) The council of the Corporation may by by-law abolish the said housing authority, and upon such by-law coming into force the housing authority shall cease to exist and the whole of its undertaking, property, deeds, agreements, leases, mortgages and other assets shall be and become vested in the said Corporation and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made.

8. Section 18 of the Act entitled *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, is amended by striking out the symbol and figures "\$4,000" in the second line, and inserting in lieu thereof the symbol and figures "\$6,000", so that the said section shall now read as follows:

18. Each member of the Commission, except the Mayor, shall be entitled to such annual salary not exceeding \$6,000, as the Board may determine.

9. The Toronto Electric Commissioners, or any other public utility commission in Toronto which is exempt or partially exempt from taxation, may agree to pay for any municipal services rendered by the said Corporation.

10. In accordance with subsection 7 of section 46 of *The Municipal Act* heretofore in force, the council of the City of Toronto shall consist of the mayor and four controllers to be elected by general vote, and two aldermen for each ward.

11. The council of the Corporation may pass by-laws for establishing and maintaining day-care centres where children are maintained and supervised during the day, or for granting money to aid in the establishment and maintenance of such day-care centres and for fixing the fee to be paid by the parents or guardians of children for such maintenance and supervision and for remitting or cancelling the fee payable in respect of any child.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

13. This Act may be cited as *The City of Toronto Act, 1947*.

SCHEDULE A

THIS AGREEMENT, made in quadruplicate this 21st day of February, 1947,

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO, herein-
after called "the City",

OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF TORONTO, herein-
after called "Toronto Township",

OF THE SECOND PART,

THE CORPORATION OF THE TOWNSHIP OF TORONTO GORE,
hereinafter called "Toronto Gore",

OF THE THIRD PART,

—and—

THE CORPORATION OF THE COUNTY OF PEEL, hereinafter
called "the County",

OF THE FOURTH PART.

WHEREAS His Majesty the King in right of Canada has been using for the public purposes of Canada and is the owner of the following:

- (a) the large frame building and lands used in connection therewith situate in the Township of Toronto, in the County of Peel and Province of Ontario near the Village of Malton known as "the Men's Staff House",
- (b) the frame buildings known as "the North Camp" erected on that portion of the lands in said Township of Toronto near the said Village of Malton known as the Toronto-Malton Airport, lying to the south-east of the hangar site of Trans-Canada Air Lines, such last mentioned lands being owned by the City and at present leased to His Majesty the King in right of Canada,
- (c) the large frame building and lands used in connection therewith situate on the north side of the Lakeshore Highway in the said Township of Toronto near the Village of Long Branch, known as "the Long Branch Staff House",
- (d) the frame buildings and lands used in connection therewith situate on the south side of the said Lakeshore Highway in the said Township of Toronto a short distance west of the Long Branch Staff House, known as "the Long Branch Military Camp", and
- (e) the large frame building and lands used in connection therewith situate in the Township of Toronto Gore in the said County of Peel near the said Village of Malton known as "the Women's Staff House"; and

WHEREAS the said Staff Houses and Camps are no longer required for the public purposes of Canada, and in order to assist in alleviating the existing serious shortage of housing accommodation within the municipality of the City of Toronto, His Majesty the King in right of Canada has granted the City the right to convert and use such Staff Houses and Camps for emergent housing accommodation purposes and the same have been or will be so converted and are now or will be occupied by tenants of the City, the tenants from time to time of the City occupying emergent housing accommodation in the said Staff Houses and Camps being hereinafter referred to as "the Tenants"; and

WHEREAS Toronto Township, Toronto Gore and the County, in view of the use of the said Staff Houses and Camps by the City for emergent

housing accommodation purposes, have requested the City to enter into and execute these presents, which as appears by Report No. 10 of the Committee on Public Welfare of the City (as adopted in Council on the 27th day of May, 1946), and by Report No. 3 of the Board of Control of the City (as adopted in Council on the 4th day of February, 1947), the City has agreed to do;

NOW THEREFORE THIS AGREEMENT WITNESSETH, that the parties hereto hereby mutually covenant and agree as follows:—

1. The City shall,—

(a) in respect to each of the said Staff Houses and Camps from time to time and at all times during the period that tenants of the City occupy emergent housing accommodation in such Staff House or Camp, as the case may be,

- (1) provide or cause to be provided and pay the cost of all water supply, sanitary drainage, storm water drainage, fire fighting and garbage and ash removal services necessary for the operation of such Staff House or Camp as emergent housing accommodation,
- (2) provide or cause to be provided, without any cost whatsoever to Toronto Township, Toronto Gore and/or the County, all the school facilities necessary for the elementary and secondary school education of the children of the tenants of the City from time to time during such period occupying emergent housing accommodation in such Staff House or Camp,
- (3) assume and pay the costs (or proportion of the costs, as the case may be) of all or any of the following, which Toronto Township, Toronto Gore and/or the County by statute shall be liable to pay in respect to each of the tenants of the City from time to time during such period, occupying emergent housing accommodation in such Staff House or Camp, and/or his or her dependents, that is to say:—
 - (i) hospitalization and burial expenses,
 - (ii) unemployment relief,
 - (iii) maintenance of children committed temporarily or permanently to the care and custody of a Children's Aid Society, and
 - (iv) maintenance and education of children admitted to a training school established under *The Training Schools Act, 1939*, as amended, and
- (4) well and truly save, defend and keep harmless and fully indemnify Toronto Township, Toronto Gore and/or the County of, from and against all loss, costs, charges, damages and expenses whatsoever, which Toronto Township, Toronto Gore and/or the County from time to time during such period may lawfully bear, sustain, suffer, be at or be put unto for or by reason or on account of the elementary and/or secondary school education of the children of the tenants of the City from time to time during such period occupying emergent housing accommodation in such Staff House or Camp as the case may be and/or any of such children,

(b) pay to Toronto Township on the 1st day of the month of December in each year during the period that tenants of the City occupy emergent housing accommodation in the Men's Staff House, the North Camp, the Long Branch Staff House and the Long Branch Military Camp the sum of Three Hundred Dollars (\$300.00), in lieu of all municipal taxes on such last mentioned Staff Houses and Camps for that year, such annual sum to be paid to the treasurer of Toronto Township at his office at Cooksville, Ontario, and the first of such annual payments to be for the year 1946 and to be paid on the execution and delivery of this Agreement, PROVIDED, that for the year in which the City ceases to use and occupy such Staff Houses and Camps for emergent housing accommodation purposes the City shall be liable hereunder to pay to Toronto Township only such portion of the said sum of Three Hundred Dollars (\$300.00), as is

proportionate to the part of such last mentioned year during which such Staff Houses and Camps are so used and occupied by the City,

(c) pay to Toronto Gore on the 1st day of the month of December in each year during the period that tenants of the City occupy emergent housing accommodation in the Women's Staff House the sum of One Hundred and Fifty Dollars (\$150.00), in lieu of all municipal taxes on the Women's Staff House for that year, such annual sum to be paid to the Treasurer of Toronto Gore at his office at Malton, R.R. No. 3, and the first of such annual payments to be for the year 1946 and to be made on the execution and delivery of this agreement, PROVIDED, that for the year in which the City ceases to use and occupy the Women's Staff House for emergent housing accommodation purposes the City shall be liable hereunder to pay to Toronto Gore only such portion of the said sum of One Hundred and Fifty Dollars (\$150.00), as is proportionate to the part of such last mentioned year during which the Women's Staff House is so used and occupied by the City,

(d) pay to the County all costs incurred and paid by the County in respect to all criminal trials instituted against the tenants and/or their dependents in the County Court Judges' Criminal Courts, courts of the General Sessions and Assize Courts held in the County of Peel; PROVIDED, HOWEVER, and it is hereby expressly so declared and agreed by and between the City and the County that such costs so to be paid by the City to the County shall in each and every case be reduced by the amount of the fine, if any, imposed upon the accused and collected by the County, and

(e) during the period that tenants of the City occupy emergent housing accommodation in the said Staff Houses and Camps—

- (1) provide or pay for the services of a social service worker to assist the Superintendent of the Children's Aid Society for the County of Peel in the work required to be done by such Society for the tenants and/or their dependents during such period,
- (2) pay to the County in each and every year during such period the proportion of the total maintenance costs of the Peel County Health Unit for that year, which bears the same ratio to such total maintenance costs as the total number of the tenants and their dependents for such year bears to the total population of the County of Peel for such year, such total number and total population to be those as shown on the last revised Assessment rolls of the several municipalities comprising the County of Peel and such annual payments to be made by the City forthwith upon receipt of accounts therefor, and
- (3) endeavour to arrange for the provision by His Majesty the King in right of Ontario of such additional policing in the areas or any of them, in the County of Peel in which the said Staff Houses and Camps are situate as may be determined necessary by the Lieutenant-Governor in Council by reason of the use by the City of such Staff Houses and Camps for emergent housing accommodation purposes, and pay such share of the cost of any such additional policing as from time to time during such period shall be determined by the Attorney-General for Ontario as the share to be paid by the City.

2. That in consideration of the payments and indemnity by the City provided for in Clause 1 hereof, Toronto Township, Toronto Gore and the County shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the said Staff Houses and Camps, the tenants and/or the City during the periods respectively that tenants of the City occupy emergent housing accommodation in such Staff Houses and Camps; PROVIDED, HOWEVER, that nothing in this Clause contained shall be deemed to limit the rights of Toronto Township, Toronto Gore and/or the County to collect from the tenants and occupiers of the said Staff Houses and Camps during such respective periods any license or permit fee or dog tax or business tax which Toronto Township, Toronto Gore

and/or the County have or has the right to collect from inhabitants of the municipalities of the Township of Toronto, the Township of Toronto Gore or the County of Peel, as the case may be.

3. That the liability of the City provided for in Clause 1 (a) (3) hereof shall continue in respect to each of the tenants and/or his or her dependents from the time that such tenant ceases to be one of the tenants until such tenant establishes legal residence in a municipality other than the County of Peel or resides in the municipality of the County of Peel a sufficient length of time (exclusive of the duration of the residence of such tenant in such County as a tenant of the City in the said Staff Houses or Camps), to establish legal residence in such County, whichever shall first occur, it being agreed by and between the parties hereto that the words "legal residence" as used in this Clause shall mean that residence in a municipality specified by statute as being requisite to impose on such last mentioned municipality liability for the costs or proportion of costs referred to in Clause 1 (a) (3) hereof.

4. That so long as tenants of the City occupy emergent housing accommodation in the Men's Staff House and the Long Branch Staff House, Toronto Township will not require Wartime Housing Limited as agent of His Majesty the King in right of Canada to remove such Staff Houses from the municipality of the Township of Toronto, any agreement between Wartime Housing Limited as such agent and Toronto Township to the contrary notwithstanding.

5. That notwithstanding the provisions of Clause No. 5 of an existing Agreement, made between Wartime Housing Limited (acting therein as agent of His Majesty the King in right of Canada) and Toronto Gore, dated the 1st day of January, 1943, Toronto Gore will not require Wartime Housing Limited to remove the Women's Staff House from the municipality of the Township of Toronto Gore so long as tenants of the City occupy emergent housing accommodation in the Women's Staff House.

6. That all books, documents, transactions and accounts of Toronto Township, Toronto Gore and the County in respect to the payments and indemnity by the City provided for in Clauses 1 and 3 hereof shall at all times be open for inspection by the Audit Department of the City.

7. This agreement shall not come into force and effect until the same has been validated and confirmed by an Act of the Legislature of the Province of Ontario and upon such validation and confirmation this agreement shall be effective as of the 1st day of November, 1945.

8. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation effective as of the 1st day of November, 1945, validating and confirming this agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED:

In the Presence of:

Authorized by Report No. 10 of the Committee on Public Welfare, adopted in Council on the 27th day of May, 1946, and by Report No. 3 of the Board of Control, adopted in Council on the 4th day of February, 1947.

"J. W. SOMERS"
City Clerk.

THE CORPORATION OF THE CITY
OF TORONTO

"ROBERT H. SAUNDERS"
Mayor (Seal)
"G. A. LASCELLES"
Treasurer

THE CORPORATION OF THE TOWN-
SHIP OF TORONTO

"J. N. DAVIS"
Reeve. (Seal)
"J. H. PINCHIN"
Clerk.

THE CORPORATION OF THE TOWN-
SHIP OF TORONTO GORE

"R. I. WILSON"
Reeve. (Seal)
"JOHN J. JULIAN"
Clerk.

THE CORPORATION OF THE COUNTY
OF PEEL

"J. N. DAVIS"
Warden. (Seal)
"DAVID WILSON"
Clerk.

SCHEDULE B

P.F. B-5964

THE ONTARIO MUNICIPAL BOARD

Friday, the Twenty-first day of February, 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman,W. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF Section 23 of
The Municipal Act (R.S.O.
1937, Chapter 266) as amended
by Section 2, Chapter 30 (R.S.O.
1939) andIN THE MATTER OF an Application
by the Corporation of the City of
Toronto for an order of the
Board annexing to the said City
a portion of the Township of
East York adjoining the east
City limits, southerly from Moore
Avenue, as provided by By-law
No. 16721.

THE APPLICATION of the Corporation of the City of Toronto herein, having come on by appointment for hearing on Monday, the 10th day of February, 1947, and again on this day on adjournment, before this Board in the presence of Counsel for the applicant, Counsel for the Corporation of the Township of East York, Counsel for a number of interested property owners and residents of the Township of East York, a number of such property owners and residents appearing in person, this Board having heard read the affidavit proving due service and publication of the notice of hearing, according to the directions of the Board, and the other material filed, including By-law No. 16721 of the applicant Corporation authorizing the application herein, and upon hearing what was alleged by Counsel aforesaid and the aforesaid property owners and residents,

THE BOARD ORDERS under and in pursuance of the provisions of section 23 of *The Municipal Act*, as re-enacted by *The Municipal Amendment Act, 1939*,

(1) That that part of the Township of East York, in the County of York, described in Schedule "A" hereto be and the same is hereby annexed to the City of Toronto.

(2) That there shall be an adjustment of assets and liabilities between the said Township and the said City in accordance with the provisions of *The Municipal Act*.

(3) That the said Township may collect the taxes on the lands herein for the year 1947 and the City may during the said year make an assessment of the said lands upon which the taxes for the year 1948 may be levied.

(4) That the lands hereby annexed shall form part of Ward 2 of the City of Toronto.

(Seal)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

"A"

SCHEDULE TO ORDER NO. B-5964

ALL AND SINGULAR that certain parcel or tract of land being that part of the Township of East York described as follows:

Commencing at the intersection of the easterly limit of part of the City of Toronto as established by Ontario Proclamation dated November 15, 1905, and being the westerly limit of the Belt Line Railway Right-of-Way as shown on a plan registered as No. 1039 in the Registry Office for the County of York with the northerly limit of Park Drive as established by By-law No. 1183 in the Township of York; thence northerly in a straight line two hundred and sixty-seven feet (267') more or less to a point in the easterly limit of the said Belt Line Railway Right-of-Way distant two hundred and fifty-four feet (254') measured northerly thereon from the easterly production of that part of the northerly limit of Park Drive lying to the west of the said right-of-way; thence northerly following the easterly limit of the Belt Line Right-of-Way four hundred and twelve feet (412'); thence still northerly in a straight line one thousand and thirty-five feet (1,035') more or less to a point in the centre line of the allowance for road between Lots 13 and 18 in the 2nd Concession from the Bay in the Township of York known as Bayview Avenue distant one thousand four hundred and thirty-one feet (1,431') measured southerly thereon from the production easterly of the southerly limit of Douglas Drive as shown on a plan registered in the Registry Office for the City of Toronto as No. E-400; thence northerly along the said centre line nine hundred and eighty-three feet (983') more or less to a point therein distant the perpendicular distance of fifty feet (50') measured easterly from the easterly limit of the said Belt Line Right-of-Way; thence northerly and north-westerly keeping always at the said distance of fifty feet (50') from the said easterly limit one thousand five hundred and fifty-five feet (1,555') more or less to the westerly limit of Bayview Avenue as aforesaid; thence north-westerly in a straight line three hundred and seventy-six feet (376') more or less to a point in the southerly limit of the right-of-way of the Ontario and Quebec division of the Canadian Pacific Railway distant twenty-five feet (25') measured north-easterly thereon from the north-easterly limit of the said Belt Line Railway Right-of-Way; thence northerly across the right-of-way of the Canadian Pacific Railway to a point in the north-westerly limit thereof distant seventy-five feet (75') measured north-easterly thereon from the said north-easterly limit of the Belt Line Railway Right-of-Way; thence north-westerly keeping always at the perpendicular distance of seventy-five feet (75') from the said north-easterly limit three hundred feet (300'); thence in a straight line three hundred and four feet (304') more or less to a point in the south limit of the lands described in Instrument No. 22946 East York which said point is at the perpendicular distance of fifty feet (50') measured north-easterly from the north-easterly limit of the said Belt Line Right-of-Way; thence north-westerly keeping always at the perpendicular distance of fifty feet (50') from the said north-easterly limit five hundred and eighty feet (580') to a point in the northerly limit of Lot 13 according to a plan filed in the Office of Land Titles at Toronto as M-363; thence continuing north-westerly in a straight line four hundred and forty-five feet (445') more or less to the south-westerly limit of the westerly part of Lot No. 2, Plan M-363; thence following that limit and along the south-westerly limit of the easterly part of Lot No. 1, Plan M-363 in all a distance of one hundred feet (100'); thence north-westerly in a straight line one hundred feet (100') more or less to a point in the easterly limit of the Belt Line Railway distant one hundred and ninety feet (190') measured southerly thereon from the southerly limit of Heath Street; thence northerly along the easterly limit of the Belt Line Railway nine hundred and ninety-five feet (995') more or less to the easterly limit of Lot No. 526, Plan 1042 York; thence northerly along that limit and its northerly production one hundred and twenty-five feet (125') to the centre line of Moore Avenue being the southerly limit of part of the City of Toronto as established by Order of the Ontario Railway and Municipal Board dated June 27th, 1914; thence westerly following the said southerly limit of the City of Toronto two hundred and sixty-three feet (263') more or less to the easterly limit of part of the City of Toronto as established by Order of the Ontario Railway and Municipal Board dated November 19th, 1912; thence south-easterly and southerly following the easterly limit of the City of Toronto to the place of beginning.

SCHEDULE C

P.F. B-6078

THE ONTARIO MUNICIPAL BOARD

Monday, the Third day of March, 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,

W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman,

W. J. MOORE, Esq., O.L.S.,
Member.

IN THE MATTER OF Section 23 of
The Municipal Act (R.S.O.
1937, Chapter 266), and

IN THE MATTER OF an Application
by the Corporation of the City of
Toronto for annexation thereto
of that portion of the Township
of North York lying on the north
side of Eglinton Avenue between
Bayview Avenue and east City
limits, more particularly de-
scribed as being composed of
Block A, Registered Plan No.
1209 for the County of York,
which said parcel has been trans-
ferred to the Office of Land Titles
at Toronto and filed therein as
Parcel Number 1008, East Sec-
tion, York.

THE APPLICATION of the Corporation of the City of Toronto herein, having come on by appointment for hearing on Thursday, the 27th day of February, 1947, before this Board in the presence of Counsel for the applicant, Counsel for the Corporation of the Township of North York and Counsel for the Corporation of the County of York, this Board having heard read the affidavit proving due service and publication of the notice of hearing according to the directions of the Board, and the other material filed, including By-law No. 16848 of the applicant Corporation authorizing the application herein, and upon hearing what was alleged by Counsel aforesaid, the Board was pleased to reserve its decision until this day when,

THE BOARD ORDERS under and in pursuance of the provisions of section 23 of *The Municipal Act*, as re-enacted by *The Municipal Amendment Act, 1939*,

- (1) That that part of the Township of North York, in the County of York, described in Schedule "A" hereto be and the same is hereby annexed to the City of Toronto.
- (2) That there shall be an adjustment of assets and liabilities between the said Township and the said City in accordance with the provisions of *The Municipal Act*.
- (3) That the said Township may collect the taxes on the lands herein for the year 1947 and the City may during the said year make an assessment of the said lands upon which the taxes for the year 1948 may be levied.
- (4) That the lands hereby annexed shall form part of Ward 9 of the City of Toronto.

(Seal)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

"A"

SCHEDULE TO ORDER No. B-6078

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, in the County of York and Province of Ontario, being composed of Block A, according to a plan filed in the Registry Office for the said County, as No. 1209, which said parcel has been transferred to the Office of Land Titles, at Toronto, and filed therein as Parcel No. 1008, East Section York.

SCHEDULE D

ST. PATRICK'S MARKET SITE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of part of Park Lot No. 13, in the First Concession from the Bay, in the Township of York (more particularly known as Lots Nos. 11, 12 and part of Lot No. 13, and part of the reservation between the rear of the lots on the east side of John Street and those on the west side of McCaul Street according to an unregistered Plan known as the Boulton Plan), the boundaries of which said parcel are described as follows:

PREMISING that the easterly limit of John Street hereinafter referred to has a bearing on North Sixteen degrees West (N. 16° W.) and governs bearings herein then,

Commencing at a point in the northerly limit of Queen Street West where the same is intersected by the production southerly of the easterly face of the easterly wall of the brick building situate on land immediately to the west of the southerly part of the herein described parcel of land and known in 1939 as No. 240 Queen Street West, the said point of intersection being distant one hundred and fifteen feet and two inches (115' 2") measured easterly along the said northerly limit of Queen Street West from the easterly limit of John Street; thence North sixteen degrees eleven minutes West (N. 16° 11' W.) three hundred feet (300'); thence easterly, parallel to the northerly limit of Queen Street West ninety feet (90'); thence South sixteen degrees eleven minutes East (S. 16° 11' E.) three hundred feet (300') to the northerly limit of Queen Street West aforesaid; thence westerly, along the last mentioned limit ninety feet (90') to the point of commencement.

An Act respecting the City of Toronto.

1st Reading

March 13th, 1947

2nd Reading

3rd Reading

MR. ROBERTS

(Reprinted as amended by the Committee on
Private Bills.)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Toronto.

MR. ROBERTS

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario
enacts as follows:

1. The agreement between the Corporation of the City of City of
Toronto,
Township of
Toronto,
Township of
Toronto
Gore and
County of
Peel
Toronto, the Corporation of the Township of Toronto, the
Corporation of the Township of Toronto Gore and the Cor-
poration of the County of Peel dated 21st day of February,
1947, set out as schedule A hereto, is hereby ratified and
confirmed and declared to be legal, valid and binding upon the agreement
validated.
said Corporations and the ratepayers thereof.

2.—(1) The Corporation of the City of Toronto, to relieve Housing
outside of
Toronto
authorized.
the existing emergency in housing conditions, may,—

- (a) construct, alter, repair, equip or maintain buildings
on land owned, leased or otherwise acquired by the
Corporation outside of the municipality to provide
housing accommodation;
- (b) enter into agreements with the Crown or any person
for the construction, alteration, repair, equipment,
maintenance or management of housing accommoda-
tion on land owned, leased or otherwise acquired by
the Corporation outside of the municipality;
- (c) provide, or enter into agreements with the Crown or
any other person to provide, for the tenants of the
said housing accommodation, anything that the Cor-
poration or any local board may provide or is required
to provide for persons resident within the muni-
cipality; and

- (d) lease, sell or otherwise dispose of said housing accommodation to such persons or classes of persons and upon such terms and conditions as the council of the Corporation may decide.

Consent.

(2) The provisions of subsection 1 shall not authorize the Corporation to provide housing accommodation or municipal services outside of the municipality except with the consent of the council of the municipality in which such housing accommodation or municipal services are to be provided.

Retroactive effect.

(3) Subsection 1 shall be deemed to have taken effect on the 1st day of November, 1945.

Sick pay credit grants.

3. A by-law of the Corporation for granting to employees or any class thereof, whose employment is terminated by death or otherwise, the whole or part of such amount as is equal to the sick pay credit of the employee, passed under section 5 of *The City of Toronto Act (No. 2), 1946*, may provide that it shall have effect on any day named therein after the 12th day of December, 1943.

1946, c. 142.

Municipal Board Order P.F. B-5964 confirmed.

4.—(1) Order P.F. B-5964 of the Ontario Municipal Board, dated the 21st day of February, 1947, annexing certain lands in the Township of East York to the City of Toronto, set out as schedule B hereto, is hereby confirmed:

Municipal Board Order P.F. B-6078 confirmed.

(2) Order P.F. B-6078 of the Ontario Municipal Board, dated the 3rd day of March, 1947, annexing certain lands in the Township of North York to the City of Toronto, set out as schedule C hereto, is hereby confirmed.

Effective date.

(3) The said Orders P.F. B-5964 and P.F. B-6078 shall be deemed to have taken effect on the 1st day of January, 1947.

St. Patrick's Market lands vested in the City in fee simple.

5. The lands described in schedule D hereto are hereby vested in fee simple in the Corporation of the City of Toronto, free from any trust, but subject to a right-of-way in favour of the owners or occupants of the lands abutting the easterly limit of the said lands, in, over, along and upon the easterly ten feet of the said lands described in schedule D, and subject to a right-of-way in favour of the owners or occupants of the lands abutting the westerly limit of the said lands, in, over, along and upon the westerly ten feet of the said lands described in schedule D.

Buildings and equipment in Exhibition Park.

6. The Corporation may construct, erect, maintain, replace or repair buildings, structures, plant and equipment in Exhibition Park, Toronto, for the purposes of the exhibitions held by the Canadian National Exhibition Association and the Royal Agricultural Winter Fair Association of Canada.

7.—(1) The council of the Corporation may by by-law establish a housing authority to be known as "The Housing Authority of Toronto", and may entrust to such housing authority the construction, maintenance, control, operation and management of any housing project as defined by *The Planning Act, 1946*, any emergency housing project, any low rental housing project, any slum clearance project, or any other housing project which the Corporation has undertaken or may undertake under its powers.

Establishment of "The Housing Authority of Toronto". 1946, c. 71.

(2) The said housing authority shall be a public commission and a body politic and corporate and shall consist of not less than three nor more than five members, the majority of whom shall not be members of the said council, and each of whom shall be a resident and a ratepayer of the City of Toronto and shall be appointed by the said council on the nomination of the board of control, and no appointment shall be made by such council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of the said council present and voting.

Incorporation and members.

(3) The members so appointed shall hold office for three years and until their successors are appointed, provided that a member of the said council so appointed shall be deemed to have resigned therefrom when he ceases to be a member of council.

Term of office.

(4) Where a vacancy in the said housing authority occurs from any cause, the council shall immediately appoint a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Vacancies.

(5) Any member of such housing authority shall be eligible for re-appointment on the expiration of his term of office.

Re-appointment of members.

(6) The members of the said housing authority may be paid such salary or other remuneration as may be fixed by by-law of the council.

Salary of members.

(7) Upon the passing of the by-law entrusting any such project to the said housing authority, all the powers, rights, authorities and privileges conferred on the said Corporation by any general or special Act with respect to the project named in the by-law shall be exercised by the said housing authority and not by the Corporation, but subject to such limitations as the by-law may provide.

Rights and powers of City transferred to housing authority.

(8) The Housing Authority of Toronto shall, in particular, but not so as to restrict its general powers and duties, have the following powers and duties:

Particular powers of housing authority.

- (a) To hold, lease or sell land and to construct, tear down, alter, repair, equip and maintain buildings for the purpose of carrying out any project entrusted to it.
- (b) To make rules and regulations relating to the selection of tenants of housing accommodation controlled by it, and to make agreements with such tenants for the enforcement of such rules and regulations.
- (c) To fix rentals having regard to the value of the accommodation and the ability of the tenant to pay at such amounts as may be considered reasonable to carry out the purpose of the project.
- (d) To submit to the board of control an annual budget of its estimated revenues and expenditures and to make requisitions upon the said council for all sums of money required to carry out its powers and duties, but nothing herein contained shall divest the council of its authority with reference to providing the money for such projects, and when money is so provided by the said council, the treasurer of the municipality shall, upon the certificate of the said housing authority, pay out such money.

Annual
report.

(9) Immediately after the end of each year, the said housing authority shall submit its annual report to council including a complete audited and certified financial statement of its affairs, with revenue and expense account, balance sheet and profit and loss statement.

Inspection
of books.

(10) All the books, documents, transactions and accounts of the said housing authority shall, at all times, be open for inspection by the audit department of the said City.

Debentures.

(11) Notwithstanding anything herein contained, the powers, rights, authority or privilege of the council of the Corporation to raise money by the issue of debentures or otherwise for the carrying out of any of the said projects shall not be transferred to the said housing authority.

Abolition
of housing
authority.

(12) The council of the Corporation may by by-law abolish the said housing authority, and upon such by-law coming into force the housing authority shall cease to exist and the whole of its undertaking, property, deeds, agreements, leases, mortgages and other assets shall be and become vested in the said Corporation and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made.

8. Section 18 of the Act entitled *An Act respecting the* 1911,
City of Toronto, being chapter 119 of the Statutes of Ontario, ^{c. 119, s. 18,} amended.
 1911, is amended by striking out the symbol and figures
 "\$4,000" in the second line and inserting in lieu thereof the
 symbol and figures "\$6,000", so that the said section shall
 now read as follows:

18. Each member of the Commission, except the Mayor, ^{Salary of}
 shall be entitled to such annual salary not exceeding ^{members.}
 \$6,000, as the Board may determine.

9. The Toronto Electric Commissioners, or any other ^{Public}
 public utility commission in Toronto which is exempt or ^{utility com-}
 partially exempt from taxation, may agree to pay for any ^{missions}
 municipal services rendered by the said Corporation. ^{authorized}
^{to pay for}
^{municipal}
^{services.}

10. In accordance with subsection 7 of section 46 of *The* ^{Council of}
Municipal Act heretofore in force, the council of the City of ^{City of}
 Toronto shall consist of the mayor and four controllers to be ^{Toronto.}
 elected by general vote, and two aldermen for each ward. ^{Rev. Stat.,}
^{c. 266.}

11. The council of the Corporation may pass by-laws for ^{Day-care}
 establishing and maintaining day-care centres where children ^{centres}
 are maintained and supervised during the day, or for granting ^{for children}
 money to aid in the establishment and maintenance of such ^{authorized.}
 day-care centres and for fixing the fee to be paid by the
 parents or guardians of children for such maintenance and
 supervision and for remitting or cancelling the fee payable in
 respect of any child.

12. This Act shall come into force on the day upon which it ^{Commence-}
 receives the Royal Assent. ^{ment of Act.}

13. This Act may be cited as *The City of Toronto Act, 1947*. ^{Short title.}

SCHEDULE A

THIS AGREEMENT, made in quadruplicate this 21st day of February, 1947,

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO, herein-
after called "the City",

OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF TORONTO, herein-
after called "Toronto Township",

OF THE SECOND PART,

THE CORPORATION OF THE TOWNSHIP OF TORONTO GORE,
hereinafter called "Toronto Gore",

OF THE THIRD PART

—and—

THE CORPORATION OF THE COUNTY OF PEEL, hereinafter
called "the County",

OF THE FOURTH PART.

WHEREAS His Majesty the King in right of Canada has been using for the public purposes of Canada and is the owner of the following:

- (a) the large frame building and lands used in connection therewith situate in the Township of Toronto, in the County of Peel and Province of Ontario near the Village of Malton known as "the Men's Staff House",
- (b) the frame buildings known as "the North Camp" erected on that portion of the lands in said Township of Toronto near the said Village of Malton known as the Toronto-Malton Airport, lying to the south-east of the hangar site of Trans-Canada Air Lines, such last mentioned lands being owned by the City and at present leased to His Majesty the King in right of Canada,
- (c) the large frame building and lands used in connection therewith situate on the north side of the Lakeshore Highway in the said Township of Toronto near the Village of Long Branch, known as "the Long Branch Staff House",
- (d) the frame buildings and lands used in connection therewith situate on the south side of the said Lakeshore Highway in the said Township of Toronto a short distance west of the Long Branch Staff House, known as "the Long Branch Military Camp", and
- (e) the large frame building and lands used in connection therewith situate in the Township of Toronto Gore in the said County of Peel near the said Village of Malton known as "the Women's Staff House"; and

WHEREAS the said Staff Houses and Camps are no longer required for the public purposes of Canada, and in order to assist in alleviating the existing serious shortage of housing accommodation within the municipality of the City of Toronto, His Majesty the King in right of Canada has granted the City the right to convert and use such Staff Houses and Camps for emergent housing accommodation purposes and the same have been or will be so converted and are now or will be occupied by tenants of the City, the tenants from time to time of the City occupying emergent housing accommodation in the said Staff Houses and Camps being hereinafter referred to as "the Tenants"; and

WHEREAS Toronto Township, Toronto Gore and the County, in view of the use of the said Staff Houses and Camps by the City for emergent

housing accommodation purposes, have requested the City to enter into and execute these presents, which as appears by Report No. 10 of the Committee on Public Welfare of the City (as adopted in Council on the 27th day of May, 1946), and by Report No. 3 of the Board of Control of the City (as adopted in Council on the 4th day of February, 1947), the City has agreed to do;

NOW THEREFORE THIS AGREEMENT WITNESSETH, that the parties hereto hereby mutually covenant and agree as follows:—

1. The City shall,—

(a) in respect to each of the said Staff Houses and Camps from time to time and at all times during the period that tenants of the City occupy emergent housing accommodation in such Staff House or Camp, as the case may be,

- (1) provide or cause to be provided and pay the cost of all water supply, sanitary drainage, storm water drainage, fire fighting and garbage and ash removal services necessary for the operation of such Staff House or Camp as emergent housing accommodation,
- (2) provide or cause to be provided, without any cost whatsoever to Toronto Township, Toronto Gore and/or the County, all the school facilities necessary for the elementary and secondary school education of the children of the tenants of the City from time to time during such period occupying emergent housing accommodation in such Staff House or Camp,
- (3) assume and pay the costs (or proportion of the costs, as the case may be) of all or any of the following, which Toronto Township, Toronto Gore and/or the County by statute shall be liable to pay in respect to each of the tenants of the City from time to time during such period, occupying emergent housing accommodation in such Staff House or Camp, and/or his or her dependents, that is to say:—
 - (i) hospitalization and burial expenses,
 - (ii) unemployment relief,
 - (iii) maintenance of children committed temporarily or permanently to the care and custody of a Children's Aid Society, and
 - (iv) maintenance and education of children admitted to a training school established under *The Training Schools Act, 1939*, as amended, and
- (4) well and truly save, defend and keep harmless and fully indemnify Toronto Township, Toronto Gore and/or the County of, from and against all loss, costs, charges, damages and expenses whatsoever, which Toronto Township, Toronto Gore and/or the County from time to time during such period may lawfully bear, sustain, suffer, be at or be put unto for or by reason or on account of the elementary and/or secondary school education of the children of the tenants of the City from time to time during such period occupying emergent housing accommodation in such Staff House or Camp as the case may be and/or any of such children,

(b) pay to Toronto Township on the 1st day of the month of December in each year during the period that tenants of the City occupy emergent housing accommodation in the Men's Staff House, the North Camp, the Long Branch Staff House and the Long Branch Military Camp the sum of Three Hundred Dollars (\$300.00), in lieu of all municipal taxes on such last mentioned Staff Houses and Camps for that year, such annual sum to be paid to the treasurer of Toronto Township at his office at Cooksville, Ontario, and the first of such annual payments to be for the year 1946 and to be paid on the execution and delivery of this Agreement, PROVIDED, that for the year in which the City ceases to use and occupy such Staff Houses and Camps for emergent housing accommodation purposes the City shall be liable hereunder to pay to Toronto Township only such portion of the said sum of Three Hundred Dollars (\$300.00), as is

proportionate to the part of such last mentioned year during which such Staff Houses and Camps are so used and occupied by the City,

(c) pay to Toronto Gore on the 1st day of the month of December in each year during the period that tenants of the City occupy emergent housing accommodation in the Women's Staff House the sum of One Hundred and Fifty Dollars (\$150.00), in lieu of all municipal taxes on the Women's Staff House for that year, such annual sum to be paid to the Treasurer of Toronto Gore at his office at Malton, R.R. No. 3, and the first of such annual payments to be for the year 1946 and to be made on the execution and delivery of this agreement, PROVIDED, that for the year in which the City ceases to use and occupy the Women's Staff House for emergent housing accommodation purposes the City shall be liable hereunder to pay to Toronto Gore only such portion of the said sum of One Hundred and Fifty Dollars (\$150.00), as is proportionate to the part of such last mentioned year during which the Women's Staff House is so used and occupied by the City,

(d) pay to the County all costs incurred and paid by the County in respect to all criminal trials instituted against the tenants and/or their dependents in the County Court Judges' Criminal Courts, courts of the General Sessions and Assize Courts held in the County of Peel; PROVIDED, HOWEVER, and it is hereby expressly so declared and agreed by and between the City and the County that such costs so to be paid by the City to the County shall in each and every case be reduced by the amount of the fine, if any, imposed upon the accused and collected by the County, and

(e) during the period that tenants of the City occupy emergent housing accommodation in the said Staff Houses and Camps—

- (1) provide or pay for the services of a social service worker to assist the Superintendent of the Childrens' Aid Society for the County of Peel in the work required to be done by such Society for the tenants and/or their dependents during such period,
- (2) pay to the County in each and every year during such period the proportion of the total maintenance costs of the Peel County Health Unit for that year, which bears the same ratio to such total maintenance costs as the total number of the tenants and their dependents for such year bears to the total population of the County of Peel for such year, such total number and total population to be those as shown on the last revised Assessment rolls of the several municipalities comprising the County of Peel and such annual payments to be made by the City forthwith upon receipt of accounts therefor, and
- (3) endeavour to arrange for the provision by His Majesty the King in right of Ontario of such additional policing in the areas or any of them, in the County of Peel in which the said Staff Houses and Camps are situate as may be determined necessary by the Lieutenant-Governor in Council by reason of the use by the City of such Staff Houses and Camps for emergent housing accommodation purposes, and pay such share of the cost of any such additional policing as from time to time during such period shall be determined by the Attorney-General for Ontario as the share to be paid by the City.

2. That in consideration of the payments and indemnity by the City provided for in Clause 1 hereof, Toronto Township, Toronto Gore and the County shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the said Staff Houses and Camps, the tenants and/or the City during the periods respectively that tenants of the City occupy emergent housing accommodation in such Staff Houses and Camps; PROVIDED, HOWEVER, that nothing in this Clause contained shall be deemed to limit the rights of Toronto Township, Toronto Gore and/or the County to collect from the tenants and occupiers of the said Staff Houses and Camps during such respective periods any license or permit fee or dog tax or business tax which Toronto Township, Toronto Gore

and/or the County have or has the right to collect from inhabitants of the municipalities of the Township of Toronto, the Township of Toronto Gore or the County of Peel, as the case may be.

3. That the liability of the City provided for in Clause 1 (a) (3) hereof shall continue in respect to each of the tenants and/or his or her dependents from the time that such tenant ceases to be one of the tenants until such tenant establishes legal residence in a municipality other than the County of Peel or resides in the municipality of the County of Peel a sufficient length of time (exclusive of the duration of the residence of such tenant in such County as a tenant of the City in the said Staff Houses or Camps), to establish legal residence in such County, whichever shall first occur, it being agreed by and between the parties hereto that the words "legal residence" as used in this Clause shall mean that residence in a municipality specified by statute as being requisite to impose on such last mentioned municipality liability for the costs or proportion of costs referred to in Clause 1 (a) (3) hereof.

4. That so long as tenants of the City occupy emergent housing accommodation in the Men's Staff House and the Long Branch Staff House, Toronto Township will not require Wartime Housing Limited as agent of His Majesty the King in right of Canada to remove such Staff Houses from the municipality of the Township of Toronto, any agreement between Wartime Housing Limited as such agent and Toronto Township to the contrary notwithstanding.

5. That notwithstanding the provisions of Clause No. 5 of an existing Agreement, made between Wartime Housing Limited (acting therein as agent of His Majesty the King in right of Canada) and Toronto Gore, dated the 1st day of January, 1943, Toronto Gore will not require Wartime Housing Limited to remove the Women's Staff House from the municipality of the Township of Toronto Gore so long as tenants of the City occupy emergent housing accommodation in the Women's Staff House.

6. That all books, documents, transactions and accounts of Toronto Township, Toronto Gore and the County in respect to the payments and indemnity by the City provided for in Clauses 1 and 3 hereof shall at all times be open for inspection by the Audit Department of the City.

7. This agreement shall not come into force and effect until the same has been validated and confirmed by an Act of the Legislature of the Province of Ontario and upon such validation and confirmation this agreement shall be effective as of the 1st day of November, 1945.

8. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation effective as of the 1st day of November, 1945, validating and confirming this agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED:

In the Presence of:

Authorized by Report No. 10 of the Committee on Public Welfare, adopted in Council on the 27th day of May, 1946, and by Report No. 3 of the Board of Control, adopted in Council on the 4th day of February, 1947.

"J. W. SOMERS"
City Clerk.

THE CORPORATION OF THE CITY
OF TORONTO

"ROBERT H. SAUNDERS"
Mayor (Seal)

"G. A. LASCELLES"
Treasurer

THE CORPORATION OF THE TOWN-
SHIP OF TORONTO

"J. N. DAVIS"
Reeve. (Seal)

"J. H. PINCHIN"
Clerk.

THE CORPORATION OF THE TOWN-
SHIP OF TORONTO GORE

"R. I. WILSON"
Reeve. (Seal)

"JOHN J. JULIAN"
Clerk.

THE CORPORATION OF THE COUNTY
OF PEEL

"J. N. DAVIS"
Warden. (Seal)

"DAVID WILSON"
Clerk.

SCHEDULE B

P.F. B-5964

THE ONTARIO MUNICIPAL BOARD

Friday, the Twenty-first day of February, 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman,W. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF Section 23 of
The Municipal Act (R.S.O.
1937, Chapter 266) as amended
by Section 2, Chapter 30 (R.S.O.
1939) andIN THE MATTER OF an Application
by the Corporation of the City of
Toronto for an order of the
Board annexing to the said City
a portion of the Township of
East York adjoining the east
City limits, southerly from Moore
Avenue, as provided by By-law
No. 16721.

THE APPLICATION of the Corporation of the City of Toronto herein, having come on by appointment for hearing on Monday, the 10th day of February, 1947, and again on this day on adjournment, before this Board in the presence of Counsel for the applicant, Counsel for the Corporation of the Township of East York, Counsel for a number of interested property owners and residents of the Township of East York, a number of such property owners and residents appearing in person, this Board having heard read the affidavit proving due service and publication of the notice of hearing, according to the directions of the Board, and the other material filed, including By-law No. 16721 of the applicant Corporation authorizing the application herein, and upon hearing what was alleged by Counsel aforesaid and the aforesaid property owners and residents,

THE BOARD ORDERS under and in pursuance of the provisions of section 23 of *The Municipal Act*, as re-enacted by *The Municipal Amendment Act, 1939*,

(1) That that part of the Township of East York, in the County of York, described in Schedule "A" hereto be and the same is hereby annexed to the City of Toronto.

(2) That there shall be an adjustment of assets and liabilities between the said Township and the said City in accordance with the provisions of *The Municipal Act*.

(3) That the said Township may collect the taxes on the lands herein for the year 1947 and the City may during the said year make an assessment of the said lands upon which the taxes for the year 1948 may be levied.

(4) That the lands hereby annexed shall form part of Ward 2 of the City of Toronto.

(Seal)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

"A"

SCHEDULE TO ORDER No. B-5964

ALL AND SINGULAR that certain parcel or tract of land being that part of the Township of East York described as follows:

Commencing at the intersection of the easterly limit of part of the City of Toronto as established by Ontario Proclamation dated November 15, 1905, and being the westerly limit of the Belt Line Railway Right-of-Way as shown on a plan registered as No. 1039 in the Registry Office for the County of York with the northerly limit of Park Drive as established by By-law No. 1183 in the Township of York; thence northerly in a straight line two hundred and sixty-seven feet (267') more or less to a point in the easterly limit of the said Belt Line Railway Right-of-Way distant two hundred and fifty-four feet (254') measured northerly thereon from the easterly production of that part of the northerly limit of Park Drive lying to the west of the said right-of-way; thence northerly following the easterly limit of the Belt Line Right-of-Way four hundred and twelve feet (412'); thence still northerly in a straight line one thousand and thirty-five feet (1,035') more or less to a point in the centre line of the allowance for road, between Lots 13 and 18 in the 2nd Concession from the Bay in the Township of York known as Bayview Avenue distant one thousand four hundred and thirty-one feet (1,431') measured southerly thereon from the production easterly of the southerly limit of Douglas Drive as shown on a plan registered in the Registry Office for the City of Toronto as No. E-400; thence northerly along the said centre line nine hundred and eighty-three feet (983') more or less to a point therein distant the perpendicular distance of fifty feet (50') measured easterly from the easterly limit of the said Belt Line Right-of-Way; thence northerly and north-westerly keeping always at the said distance of fifty feet (50') from the said easterly limit one thousand five hundred and fifty-five feet (1,555') more or less to the westerly limit of Bayview Avenue as aforesaid; thence north-westerly in a straight line three hundred and seventy-six feet (376') more or less to a point in the southerly limit of the right-of-way of the Ontario and Quebec division of the Canadian Pacific Railway distant twenty-five feet (25') measured north-easterly thereon from the north-easterly limit of the said Belt Line Railway Right-of-Way; thence northerly across the right-of-way of the Canadian Pacific Railway to a point in the north-westerly limit thereof distant seventy-five feet (75') measured north-easterly thereon from the said north-easterly limit of the Belt Line Railway Right-of-Way; thence north-westerly keeping always at the perpendicular distance of seventy-five feet (75') from the said north-easterly limit three hundred feet (300'); thence in a straight line three hundred and four feet (304') more or less to a point in the south limit of the lands described in Instrument No. 22946 East York which said point is at the perpendicular distance of fifty feet (50') measured north-easterly from the north-easterly limit of the said Belt Line Right-of-Way; thence north-westerly keeping always at the perpendicular distance of fifty feet (50') from the said north-easterly limit five hundred and eighty feet (580') to a point in the northerly limit of Lot 13 according to a plan filed in the Office of Land Titles at Toronto as M-363; thence continuing north-westerly in a straight line four hundred and forty-five feet (445') more or less to the south-westerly limit of the westerly part of Lot No. 2, Plan M-363; thence following that limit and along the south-westerly limit of the easterly part of Lot No. 1, Plan M-363 in all a distance of one hundred feet (100'); thence north-westerly in a straight line one hundred feet (100') more or less to a point in the easterly limit of the Belt Line Railway distant one hundred and ninety feet (190') measured southerly thereon from the southerly limit of Heath Street; thence northerly along the easterly limit of the Belt Line Railway nine hundred and ninety-five feet (995') more or less to the easterly limit of Lot No. 526, Plan 1042 York; thence northerly along that limit and its northerly production one hundred and twenty-five feet (125') to the centre line of Moore Avenue being the southerly limit of part of the City of Toronto as established by Order of the Ontario Railway and Municipal Board dated June 27th, 1914; thence westerly following the said southerly limit of the City of Toronto two hundred and sixty-three feet (263') more or less to the easterly limit of part of the City of Toronto as established by Order of the Ontario Railway and Municipal Board dated November 19th, 1912; thence south-easterly and southerly following the easterly limit of the City of Toronto to the place of beginning.

SCHEDULE C

P.F. B-6078

THE ONTARIO MUNICIPAL BOARD

Monday, the Third day of March, 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman,W. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF Section 23 of
The Municipal Act (R.S.O.
1937, Chapter 266), andIN THE MATTER OF an Application
by the Corporation of the City of
Toronto for annexation thereto
of that portion of the Township
of North York lying on the north
side of Eglinton Avenue between
Bayview Avenue and east City
limits, more particularly de-
scribed as being composed of
Block A, Registered Plan No.
1209 for the County of York,
which said parcel has been trans-
ferred to the Office of Land Titles
at Toronto and filed therein as
Parcel Number 1008, East Sec-
tion, York.

THE APPLICATION of the Corporation of the City of Toronto herein, having come on by appointment for hearing on Thursday, the 27th day of February, 1947, before this Board in the presence of Counsel for the applicant, Counsel for the Corporation of the Township of North York and Counsel for the Corporation of the County of York, this Board having heard read the affidavit proving due service and publication of the notice of hearing according to the directions of the Board, and the other material filed, including By-law No. 16848 of the applicant Corporation authorizing the application herein, and upon hearing what was alleged by Counsel aforesaid, the Board was pleased to reserve its decision until this day when,

THE BOARD ORDERS under and in pursuance of the provisions of section 23 of *The Municipal Act*, as re-enacted by *The Municipal Amendment Act, 1939*,

- (1) That that part of the Township of North York, in the County of York, described in Schedule "A" hereto be and the same is hereby annexed to the City of Toronto.
- (2) That there shall be an adjustment of assets and liabilities between the said Township and the said City in accordance with the provisions of *The Municipal Act*.
- (3) That the said Township may collect the taxes on the lands herein for the year 1947 and the City may during the said year make an assessment of the said lands upon which the taxes for the year 1948 may be levied.
- (4) That the lands hereby annexed shall form part of Ward 9 of the City of Toronto.

(Seal)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

"A"

SCHEDULE TO ORDER NO. B-6078

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, in the County of York and Province of Ontario, being composed of Block A, according to a plan filed in the Registry Office for the said County, as No. 1209, which said parcel has been transferred to the Office of Land Titles, at Toronto, and filed therein as Parcel No. 1008, East Section York.

SCHEDULE D

ST. PATRICK'S MARKET SITE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of part of Park Lot No. 13, in the First Concession from the Bay, in the Township of York (more particularly known as Lots Nos. 11, 12 and part of Lot No. 13, and part of the reservation between the rear of the lots on the east side of John Street and those on the west side of McCaul Street according to an unregistered Plan known as the Boulton Plan), the boundaries of which said parcel are described as follows:

PREMISING that the easterly limit of John Street hereinafter referred to has a bearing on North Sixteen degrees West (N. 16° W.) and governs bearings herein then,

Commencing at a point in the northerly limit of Queen Street West where the same is intersected by the production southerly of the easterly face of the easterly wall of the brick building situate on land immediately to the west of the southerly part of the herein described parcel of land and known in 1939 as No. 240 Queen Street West, the said point of intersection being distant one hundred and fifteen feet and two inches (115' 2") measured easterly along the said northerly limit of Queen Street West from the easterly limit of John Street; thence North sixteen degrees eleven minutes West (N. 16° 11' W.) three hundred feet (300'); thence easterly, parallel to the northerly limit of Queen Street West ninety feet (90'); thence South sixteen degrees eleven minutes East (S. 16° 11' E.) three hundred feet (300') to the northerly limit of Queen Street West aforesaid; thence westerly, along the last mentioned limit ninety feet (90') to the point of commencement.

1st Reading

March 13th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. ROBERTS

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Orillia.

MR. MCPHEE

(PRIVATE BILL)

No. 24

1947

BILL

An Act respecting the Town of Orillia.

WHEREAS the Corporation of the Town of Orillia by Preamble. its petition has prayed for special legislation to validate an agreement for the purchase of electrical power from The Hydro-Electric Power Commission of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the *non obstante* clause in section 61 of *The Power Commission Act*, the agreement between The Hydro-Electric Power Commission of Ontario and Orillia Water, Light and Power Commission, dated the 6th day of February, 1947, set forth as schedule A hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto. ^{Hydro agreement confirmed. Rev. Stat., c. 62.}

2. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

3. This Act may be cited as *The Town of Orillia Act, 1947*. ^{Short title.}

SCHEDULE A

THIS AGREEMENT made in duplicate this 6th day of February, A.D. 1947.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission",

OF THE FIRST PART,

—and—

ORILLIA WATER, LIGHT AND POWER COMMISSION, hereinafter called the "Customer",

OF THE SECOND PART.

WHEREAS the Customer has applied to the Commission for a supply of electrical power and the Commission is willing to supply the same on the terms and conditions herein contained, all under the provisions of *The Power Commission Act*, R.S.O. 1937, Chapter 62, and amendments thereto, and the enabling legislation hereinafter referred to;

NOW THEREFORE THIS INDENTURE WITNESSETH that subject to the said Act and enabling legislation, and for the considerations herein contained the parties hereto covenant, promise and agree as follows:

1. THE COMMISSION AGREES:

(a) To reserve for and deliver to the Customer at the earliest possible date up to a maximum amount of One Thousand Kilowatts (1,000 Kw.) of electrical power as required by the Customer hereunder;

(b) To use at all times first-class, suitable standard commercial apparatus and plant and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Customer;

(c) To deliver commercially continuous twenty-four (24) hour power every day in the year except as provided for herein to the Customer at the point of delivery herein defined as the dead-ending point on the Commission's transmission line at the Customer's Swift Rapids Plant.

2. THE CUSTOMER AGREES TO:

(a) Take the power covered by this agreement and to prepare for the receipt and use of the said power so as to be able to receive power when the Commission is ready to deliver the same;

(b) Pay to the Commission for power hereunder in monthly payments at the rate of Twenty-five Dollars (\$25.00) per horsepower per annum, such monthly payments being based on the monthly horsepower demand for the month as determined at the point of measurement hereinafter defined and the said monthly horsepower demand being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in the month determined from coincident readings of the meters hereinafter referred to.

3. If in any month the power taken hereunder exceeds One Thousand Kilowatts (1,000 Kw.) with or without correction for excess load factor under clause 7, the operators of the Commission may notify the operators of the Customer either by telephone or otherwise and the Customer shall forthwith discontinue taking such excess power. If during any month power is taken in excess of One Thousand Kilowatts (1,000 Kw.) the Customer shall pay for power for such month as if the said excess had been taken for the whole month but such taking and payment shall not be deemed to be an authorization to the Customer to take excess power at any future time.

4. In any event the Customer shall pay as a minimum for each month for the greatest previous monthly horsepower demand not in excess of One Thousand Kilowatts (1,000 Kw.).

5. All amounts payable by the Customer in lawful money of Canada shall be paid at the offices of the Commission in Toronto. Bills shall be rendered by the Commission on or before the fifteenth day and paid by the Customer on or before the twenty-fifth day of each month. If any bill remains unpaid for fifteen (15) days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Customer until said bill is paid. No such discontinuance shall relieve the Customer from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the rate of five per cent (5%) per annum.

6. THE CUSTOMER AGREES TO:

(a) Take power exclusively from the Commission during the continuance of this agreement; provided, however, that the Customer may continue to generate and distribute power for its own use and the use of its customers within the scope of its statutory powers so long as it complies with the requirements of clause 6 (b) hereof;

(b) Synchronize and operate its generating plants in parallel with the Commission's system in a manner satisfactory to the Commission, and also to operate the said generating plants in a manner satisfactory to the Commission in respect of utilizing their facilities to the maximum available from time to time for power thereby developed which shall be at least as high as the daily load factor of power supplied by the Commission hereunder; to refrain from taking power hereunder in such manner that the energy taken during any day shall be in excess of a load factor for that day of seventy per cent (70%) on the horsepower demand for that day, the horsepower demand for any day being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in that day determined from coincident readings of the said meters, subject to power factor correction; and also to refrain from taking power hereunder in such manner that the energy taken during any month shall be in excess of a monthly load factor of sixty per cent (60%) on the amount of power for which the Customer pays for such month.

7. If the Customer during any month takes energy in excess of a load factor of sixty per cent (60%) on the horsepower demand for such month, such horsepower demand shall be deemed to have been increased thereby for all the purposes of this agreement in accordance with the following factor:

Horsepower demand for the month	X The number expressing in percentage the said load factor at which power was taken for the month
------------------------------------	--

60

8. The point of measuring the power covered by this agreement shall be at the switchboard in the Commission's Big Chute Generating Station and no correction or adjustment shall be made by reason of the measuring equipment being connected at other than the point of delivery, this having been taken into consideration in agreeing upon the price of power hereunder.

9. Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters. The measuring equipment including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission. The Customer shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Com-

mission seven (7) days' previous notice in writing of the Customer's desire to test such measuring equipment.

10. If the Customer at any time fails in the performance of any of its obligations affecting electrical operation under this agreement including, without limiting the generality of the foregoing, taking power in excess of the maximum under this agreement or failing to operate as required in this agreement, then the Commission may give notice thereof to the Customer, which notice may be given by telephone to an employee of the Customer by an operator of the Commission and the Customer shall immediately remedy the said failure. In case of continued failure for more than fifteen (15) minutes after notice, the Commission may discontinue delivery to the Customer of all power or of any part thereof and shall not be obliged to resume delivery to the Customer until the Customer shall have given to the Commission sufficient assurance that such failure will not recur. The Customer shall forthwith designate in writing to the Commission to what employee the said notice under this clause 10 is to be given, and in default of such designation or in the event of the said employee not being immediately available to receive such notice the said notice may be given by telephone or otherwise to any other employee of the Customer.

11. THE CUSTOMER AGREES TO:

(a) At all times to take and use the electrical power in such manner that the ratio of the kilowatts to the kilovolt amperes (read simultaneously) is unity but when this is not possible the Corporation shall pay for ninety per cent (90%) of the maximum kilovolt amperes (considered as true power or kilowatts) when the said ninety per cent (90%) is in excess of the maximum kilowatts taken; the maximum in kilowatts or kilovolt amperes shall be taken as the maximum average or integrated demand over any twenty (20) consecutive minutes.

(b) Use at all times first-class, suitable standard commercial apparatus and plant to be approved by the Commission and to operate and maintain the apparatus and plant so as not to cause more than minimum disturbance or fluctuation to the Commission's supply, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Customer.

12.—(a) The power shall be alternating, three-phase, having a frequency of approximately sixty (60) cycles per second and a nominal voltage of approximately Twenty-three Thousand (23,000) volts, subject to normal variations from the said voltage of approximately ten per cent (10%) and from the said frequency of approximately five per cent (5%);

"Power" shall mean electrical power and except where the context requires a different meaning shall mean also and include "energy";

One Horsepower shall be equivalent to Seven Hundred and Forty-six watts (746 w.).

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein and a fulfilment of all operating obligations of the Commission hereunder, and when the voltage and the frequency are so maintained the amount of power, its fluctuations, load factor, power factor, distribution as to phases, and all other characteristics and qualities are under the sole control of the Customer and the Customer's agents, apparatus, appliances and circuits.

(c) In case the Commission shall at any time or times be prevented from delivering said power or any part thereof by any cause reasonably beyond the Commission's control, including without limiting the generality thereof, strike, lockout, riot, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, the King's enemies and act of God, then the Commission shall not be bound to deliver such power during such time; the Commission shall be prompt and diligent in removing the cause of such interruption and as soon as the cause of such interruption is removed the Commission shall without any delay deliver the said power;

such interruption shall not release the Customer from any obligation under this agreement.

(d) The Commission shall have the right at reasonable times, and when possible after reasonable notice has been given to the Customer, to discontinue the supply of power to the Customer for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the Commission's apparatus, equipment, or works, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Customer; such interruptions shall not release the Customer from any obligation under this agreement.

13. The engineers of the Commission or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant and property of the Customer, and take records at all reasonable hours.

14. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

15. Any waiver by either party or failure to exercise any rights or enforce any remedy shall be limited to the particular instance and shall not operate or be deemed to extend to any other matter under this agreement or in any way affect the validity of this agreement.

16. This agreement shall become effective only if ratified by Act of the Ontario Legislature within a period of one year from the date hereof and if and when so ratified, shall remain in force for a period of Five (5) years commencing from the date such ratifying Act comes into force.

IN WITNESS WHEREOF the Commission and the Customer have caused this agreement to be executed under their corporate seals attested by the signatures of their proper officers duly authorized thereto.

(Seal)

THE HYDRO-ELECTRIC POWER
COMMISSION OF ONTARIO

C. H. HOGG,
Chairman.

OSBORNE MITCHELL,
Secretary.

ORILLIA WATER, LIGHT AND POWER
COMMISSION

H. W. CASWELL.
GORDON G. PERRYMAN.

An Act respecting the Town of
Orillia.

1st Reading

2nd Reading

3rd Reading

MR. MCPHEE

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Orillia.

MR. MCPHEE

BILL

An Act respecting the Town of Orillia.

WHEREAS the Corporation of the Town of Orillia by Preamble.
its petition has prayed for special legislation to validate
an agreement for the purchase of electrical power from The
Hydro-Electric Power Commission of Ontario; and whereas it
is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding the *non obstante* clause in section 61 of Hydro
The Power Commission Act, the agreement between The agreement
Hydro-Electric Power Commission of Ontario and Orillia confirmed.
Water, Light and Power Commission, dated the 6th day of Rev. Stat.,
February, 1947, set forth as schedule A hereto, is ratified and c. 62.
confirmed and declared to be legal, valid and binding upon
the parties thereto.
2. This Act shall come into force on the day upon which Commence-
it receives the Royal Assent. ment of Act.
3. This Act may be cited as *The Town of Orillia Act, 1947.* Short title.

SCHEDULE A

THIS AGREEMENT made in duplicate this 6th day of February, A.D. 1947.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission",

OF THE FIRST PART,

—and—

ORILLIA WATER, LIGHT AND POWER COMMISSION, hereinafter called the "Customer",

OF THE SECOND PART.

WHEREAS the Customer has applied to the Commission for a supply of electrical power and the Commission is willing to supply the same on the terms and conditions herein contained, all under the provisions of *The Power Commission Act*, R.S.O. 1937, Chapter 62, and amendments thereto, and the enabling legislation hereinafter referred to;

NOW THEREFORE THIS INDENTURE WITNESSETH that subject to the said Act and enabling legislation, and for the considerations herein contained the parties hereto covenant, promise and agree as follows:

1. THE COMMISSION AGREES:

(a) To reserve for and deliver to the Customer at the earliest possible date up to a maximum amount of One Thousand Kilowatts (1,000 Kw.) of electrical power as required by the Customer hereunder;

(b) To use at all times first-class, suitable standard commercial apparatus and plant and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Customer;

(c) To deliver commercially continuous twenty-four (24) hour power every day in the year except as provided for herein to the Customer at the point of delivery herein defined as the dead-ending point on the Commission's transmission line at the Customer's Swift Rapids Plant.

2. THE CUSTOMER AGREES TO:

(a) Take the power covered by this agreement and to prepare for the receipt and use of the said power so as to be able to receive power when the Commission is ready to deliver the same;

(b) Pay to the Commission for power hereunder in monthly payments at the rate of Twenty-five Dollars (\$25.00) per horsepower per annum, such monthly payments being based on the monthly horsepower demand for the month as determined at the point of measurement hereinafter defined and the said monthly horsepower demand being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in the month determined from coincident readings of the meters hereinafter referred to.

3. If in any month the power taken hereunder exceeds One Thousand Kilowatts (1,000 Kw.) with or without correction for excess load factor under clause 7, the operators of the Commission may notify the operators of the Customer either by telephone or otherwise and the Customer shall forthwith discontinue taking such excess power. If during any month power is taken in excess of One Thousand Kilowatts (1,000 Kw.) the Customer shall pay for power for such month as if the said excess had been taken for the whole month but such taking and payment shall not be deemed to be an authorization to the Customer to take excess power at any future time.

4. In any event the Customer shall pay as a minimum for each month for the greatest previous monthly horsepower demand not in excess of One Thousand Kilowatts (1,000 Kw.).

5. All amounts payable by the Customer in lawful money of Canada shall be paid at the offices of the Commission in Toronto. Bills shall be rendered by the Commission on or before the fifteenth day and paid by the Customer on or before the twenty-fifth day of each month. If any bill remains unpaid for fifteen (15) days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Customer until said bill is paid. No such discontinuance shall relieve the Customer from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the rate of five per cent (5%) per annum.

6. THE CUSTOMER AGREES TO:

(a) Take power exclusively from the Commission during the continuance of this agreement; provided, however, that the Customer may continue to generate and distribute power for its own use and the use of its customers within the scope of its statutory powers so long as it complies with the requirements of clause 6 (b) hereof;

(b) Synchronize and operate its generating plants in parallel with the Commission's system in a manner satisfactory to the Commission, and also to operate the said generating plants in a manner satisfactory to the Commission in respect of utilizing their facilities to the maximum available from time to time for power thereby developed which shall be at a load factor at least as high as the daily load factor of power supplied by the Commission hereunder; to refrain from taking power hereunder in such manner that the energy taken during any day shall be in excess of a load factor for that day of seventy per cent (70%) on the horsepower demand for that day, the horsepower demand for any day being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in that day determined from coincident readings of the said meters, subject to power factor correction; and also to refrain from taking power hereunder in such manner that the energy taken during any month shall be in excess of a monthly load factor of sixty per cent (60%) on the amount of power for which the Customer pays for such month.

7. If the Customer during any month takes energy in excess of a load factor of sixty per cent (60%) on the horsepower demand for such month, such horsepower demand shall be deemed to have been increased thereby for all the purposes of this agreement in accordance with the following factor:

Horsepower demand for
the month

X The number expressing in
percentage the said load
factor at which power was
taken for the month

60

8. The point of measuring the power covered by this agreement shall be at the switchboard in the Commission's Big Chute Generating Station and no correction or adjustment shall be made by reason of the measuring equipment being connected at other than the point of delivery, this having been taken into consideration in agreeing upon the price of power hereunder.

9. Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters. The measuring equipment including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission. The Customer shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Com-

mission seven (7) days' previous notice in writing of the Customer's desire to test such measuring equipment.

10. If the Customer at any time fails in the performance of any of its obligations affecting electrical operation under this agreement including, without limiting the generality of the foregoing, taking power in excess of the maximum under this agreement or failing to operate as required in this agreement, then the Commission may give notice thereof to the Customer, which notice may be given by telephone to an employee of the Customer by an operator of the Commission and the Customer shall immediately remedy the said failure. In case of continued failure for more than fifteen (15) minutes after notice, the Commission may discontinue delivery to the Customer of all power or of any part thereof and shall not be obliged to resume delivery to the Customer until the Customer shall have given to the Commission sufficient assurance that such failure will not recur. The Customer shall forthwith designate in writing to the Commission to what employee the said notice under this clause 10 is to be given, and in default of such designation or in the event of the said employee not being immediately available to receive such notice the said notice may be given by telephone or otherwise to any other employee of the Customer.

11. THE CUSTOMER AGREES TO:

(a) At all times to take and use the electrical power in such manner that the ratio of the kilowatts to the kilovolt amperes (read simultaneously) is unity but when this is not possible the Customer shall pay for ninety per cent (90%) of the maximum kilovolt amperes (considered as true power or kilowatts) when the said ninety per cent (90%) is in excess of the maximum kilowatts taken; the maximum in kilowatts or kilovolt amperes shall be taken as the maximum average or integrated demand over any twenty (20) consecutive minutes.

(b) Use at all times first-class, suitable standard commercial apparatus and plant to be approved by the Commission and to operate and maintain the apparatus and plant so as not to cause more than minimum disturbance or fluctuation to the Commission's supply, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Customer.

12.—(a) The power shall be alternating, three-phase, having a frequency of approximately sixty (60) cycles per second and a nominal voltage of approximately Twenty-three Thousand (23,000) volts, subject to normal variations from the said voltage of approximately ten per cent (10%) and from the said frequency of approximately five per cent (5%);

"Power" shall mean electrical power and except where the context requires a different meaning shall mean also and include "energy";

One Horsepower shall be equivalent to Seven Hundred and Forty-six watts (746 w.).

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein and a fulfilment of all operating obligations of the Commission hereunder, and when the voltage and the frequency are so maintained the amount of power, its fluctuations, load factor, power factor, distribution as to phases, and all other characteristics and qualities are under the sole control of the Customer and the Customer's agents, apparatus, appliances and circuits.

(c) In case the Commission shall at any time or times be prevented from delivering said power or any part thereof by any cause reasonably beyond the Commission's control, including without limiting the generality thereof, strike, lockout, riot, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, the King's enemies and act of God, then the Commission shall not be bound to deliver such power during such time; the Commission shall be prompt and diligent in removing the cause of such interruption and as soon as the cause of such interruption is removed the Commission shall, without any delay deliver the said power;

such interruption shall not release the Customer from any obligation under this agreement.

(d) The Commission shall have the right at reasonable times, and when possible after reasonable notice has been given to the Customer, to discontinue the supply of power to the Customer for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the Commission's apparatus, equipment, or works, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Customer; such interruptions shall not release the Customer from any obligation under this agreement.

13. The engineers of the Commission or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant and property of the Customer, and take records at all reasonable hours.

14. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

15. Any waiver by either party or failure to exercise any rights or enforce any remedy shall be limited to the particular instance and shall not operate or be deemed to extend to any other matter under this agreement or in any way affect the validity of this agreement.

16. This agreement shall become effective only if ratified by Act of the Ontario Legislature within a period of one year from the date hereof and if and when so ratified, shall remain in force for a period of Five (5) years commencing from the date such ratifying Act comes into force.

IN WITNESS WHEREOF the Commission and the Customer have caused this agreement to be executed under their corporate seals attested by the signatures of their proper officers duly authorized thereto.

(Seal)

THE HYDRO-ELECTRIC POWER
COMMISSION OF ONTARIO

T. H. HOGG,
Chairman.

OSBORNE MITCHELL,
Secretary.

ORILLIA WATER, LIGHT AND POWER
COMMISSION

H. W. CASWELL,
Chairman.

GORDON G. PERRYMAN,
Secretary-Treasurer.

An Act respecting the Town of
Orillia.

1st Reading

March 20th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. MCPHEE

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting The Hamilton Street Railway Company.

MR. ELLIOTT

(PRIVATE BILL)

BILL

An Act respecting The Hamilton Street Railway Company.

WHEREAS the company by its petition has represented ^{Preamble.} that it was incorporated by an Act entitled *An Act to incorporate "The Hamilton Street Railway Company"*, being 1873, c. 100, chapter 100 of the Statutes of Ontario, 1873; whereas the said Act was amended by *An Act respecting the Hamilton Street Railway Company*, being chapter 90 of the Statutes of Ontario, 1893; whereas the company has prayed for special legislation with respect to its powers, the issuing of bonds, debentures and other securities and the conversion of its transportation system, and to validate By-law No. 5124 of the City and a certain agreement between the City and the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act and in the provisions of the Acts referred to ^{Interpreta-} in the preamble that are amended or re-enacted by this Act,—^{tion,—}

- (a) "company" shall mean The Hamilton Street Railway "company";
Company;
- (b) "Board" shall mean the Ontario Municipal Board; "Board";
- (c) "bonds, debentures or other securities" shall mean "bonds, debentures or other securities";
bonds, debentures, debenture stock, equipment trust certificates or bonds, or any other securities, or other obligations of the company secured by mortgage of or charge upon the assets of the company or any part thereof, or by any contract evidencing the lease, conditional sale or bailment of rolling stock or equipment of the company;
- (d) "City" shall mean the Corporation of the City of "City";
Hamilton; and

"trolley coach".

(e) "trolley coach" shall include trackless trolley and trolley bus.

1873,
c. 100, s. 8,
amended.

2.—(1) Section 8 of the Act entitled *An Act to incorporate "The Hamilton Street Railway Company"*, being chapter 100 of the Statutes of Ontario, 1873, is amended by striking out the proviso commencing in the sixteenth line.

1873,
c. 100, s. 13,
re-enacted.

(2) Section 13 of the said Act is repealed and the following substituted therefor:

Payment
of fares.

13. Fares shall be due and payable upon demand by every passenger on entering, travelling on, or leaving a street railway car, trolley coach, motor bus or other vehicular means of transportation operated by the company; and any person refusing to pay the fare when demanded by the conductor, operator, driver, or other company representative, and refusing on demand to quit the street railway car, trolley coach, motor bus or other vehicular means of transportation, shall be guilty of an offence and liable to a fine of not less than \$5, recoverable under *The Summary Convictions Act*.

1893,
c. 90, s. 3,
re-enacted.

3.—(1) Section 3 of the Act entitled *An Act respecting the Hamilton Street Railway Company*, being chapter 90 of the Statutes of Ontario, 1893, is repealed and the following substituted therefor:

By-laws,—

3.—(1) The directors of the company may from time to time make by-laws for,—

increasing or
decreasing
capital stock;

(a) increasing or decreasing the capital stock of the company to such amount or amounts as the company may require;

creating
preference
or other
classes
of shares;

(b) creating and issuing any part of the capital as preference shares or any other class of shares;

conversion
of shares,
debentures;

(c) converting common shares into preference shares or preference shares into common shares or debentures or debenture stock; debentures into debenture stock or preference shares or any class of shares or securities into any other class;

fixing
par value of
any class
of shares;

(d) fixing the par value of any class of shares issued or to be issued by the company, including the shares referred to in section 2 of *The Hamilton Street Railway Act, 1946*;

1946, c. 36.

- (e) redividing the capital of the company into ^{redividing} shares of smaller or larger amount; ^{shares;}
 - (f) changing all or any of the company's previously ^{changing} authorized shares with par value, issued or ^{shares from} unissued, including the shares referred to in ^{par value to} section 2 of *The Hamilton Street Railway Act, 1946*, into the same or a different number of shares of any class or classes without ^{no par value;} par value;
 - (g) changing all or any of the company's pre- ^{from no par} viously authorized shares without par value, ^{value to} issued or unissued, into the same or a different number of shares of any class or classes ^{par value;} with par value;
 - (h) classifying or re-classifying any of the com- ^{classifying} pany's shares, either with or without par ^{shares;} value
 - (i) consolidating or subdividing any of the com- ^{consolidating} pany's shares either with or without par ^{or sub-} ^{dividing} value. ^{shares.}
- (2) A by-law passed in pursuance of the exercise of any ^{By-law for} of the powers set out in subsection 1 may provide ^{issue of} that the holders of such shares, debentures or debenture stock shall have such preference as regards dividends and repayment on dissolution or winding up as may be therein set out, and the right to select a stated proportion of the board of directors, or such other control over the affairs of the company as may be considered expedient, or may limit the right of the holders thereof to specific dividends or control of the affairs of the company or otherwise, not contrary to law, and may provide for the purchase or redemption of such shares, debentures or debenture stock by the company as therein set out, but any term or provision of such by-law, whereby the rights of holders of such shares, debentures or debenture stock are limited or restricted, shall be fully set out in the certificate of such shares, debentures or debenture stock and in the event of such limitations and restrictions not being so set out they shall not be deemed to qualify the rights of holders thereof.
- (2) Sections 4, 5, 6, 7 and 8 of the said Act are repealed ^{1893,} and the following substituted therefor: ^{c. 90, s. 4, 5,} ^{re-enacted;} ^{ss. 6, 7, 8,} ^{repealed.}
- 4.—(1) The company from time to time may create and ^{Power to} ^{issue} ^{securities.}

Continuance
of right to
issue
securities.

issue, or cause to be created and issued bonds, debentures or other securities to an aggregate principal amount not exceeding the sum of \$5,000,000 bearing such date or dates, carrying interest at such rate or rates, payable in such currency or currencies and on such date or dates, containing such terms and conditions and to be issued from time to time in one or more series as the directors may determine. The power of issuing bonds, debentures or other securities conferred by this section shall not be exhausted by any issue; but any bonds, debentures or other securities purchased, redeemed or cancelled may be re-issued, or new bonds, debentures or other securities may be issued in the place and stead of such bonds, debentures or other securities purchased, redeemed or cancelled; but in no case shall the sum of \$5,000,000 be exceeded at any one time.

Application
of proceeds
of securities.

- (2) The net proceeds of all or any of the bonds, debentures or other securities, issued in pursuance of the power by this section conferred, shall from time to time be expended for the general purposes of the company and more specifically in the purchase or acquisition of trolley coaches, motor buses, street cars and other vehicular means of transportation operated as part of or in connection with the railway, or accessories therefor; in the conversion of the railway to a trolley coach system and more particularly but in no way limiting the said conversion, to replace and remove poles, to remove all overhead lines and structures, to construct a trolley coach overhead and feeders to supply electrical energy, to purchase overhead material and spun wire; to remove, in accordance with the arrangements with the City more particularly set out in schedule B to *The Hamilton Street Railway Act, 1947*, the physical property of the company including street railway tracks, necessary cross-overs, single tracks and side tracks, diamonds at intersections with tracks of railway companies, turnouts and switches located upon any street upon which the company operates; to erect or acquire buildings, machinery, lands, other necessary plant, fixtures and materials from time to time required for the purposes of the company and in the building of any extension of the railway authorized to be undertaken by the company or in the payment of any liability of the company, or debt contracted for any of the purposes aforesaid and remaining unpaid at the time of the passing of the said Act.

Power to
mortgage
property to
secure
bonds, etc.

- (3) For the purpose of securing the payment of the said

bonds, debentures, or other securities, and interest thereon, and all other moneys secured or intended to be secured thereby or by deed of trust, mortgage or other instrument, the directors of the company, if authorized by by-law, may charge, hypothecate, mortgage or pledge in favour of a trustee for the holders of the said bonds, debentures or other securities, the undertaking, any or all of the real or personal property, including all land, and interest in lands, buildings, fixtures, improvements, stations, terminals, rolling stock, equipment, income, rents, tolls, revenues, sources of money, rights, powers, privileges, franchises and all properties and assets of or belonging to the company, at any time acquired, by way of a fixed and specific or floating charge or charges thereon in favour of the trustee.

- (4) The deed of trust, mortgage or other instrument^{Form of mortgage, etc.} creating and evidencing such charge, hypothecation, mortgage or pledge shall be in such form and shall contain such covenants, agreements, stipulations, provisoes and conditions, including sinking fund provisions and provisions for the calling or redemption of the bonds, debentures or other securities, as the directors may determine, and the board of directors of the company shall have power to authorize one or more of their number to determine and approve of the form of the said deed of trust, mortgage or other instrument.
- (5) The directors of the company may issue, sell, pledge, hypothecate and otherwise dispose of the whole or any part or parts of the said bonds, debentures or other securities, or of any series forming part of the authorized issue, on such terms and conditions, and at such price or prices and either at par or at a discount or at a premium as they may deem advisable.^{Raising money on securities.}
- (6) The directors of the company are hereby authorized and empowered to do and perform or cause to be done and performed all such acts, matters and things, and to execute and cause to be executed or authorize the execution by such person or persons and in such manner as they may see fit, of all such bonds, debentures or other securities, coupons, transferable interim certificates, acknowledgments, receipts, deeds, assignments, covenants and assurances as they may deem necessary or advisable in connection with the creation, issue, sale, pledge or other disposition of the said bonds, debentures or other securities and the^{Power to perform all acts re issue of securities, etc.}

securing thereof by proper and sufficient instrument or instruments.

Power to dispose of lands and personal property no longer required.

- (7) The company may from time to time sell and dispose of any of its lands and personal property, which it shall find unsuitable or unnecessary for the purposes of the company, subject to the provisions of any then existing deed of trust, mortgage or other instrument.

Confirming by-laws.

5. A by-law for any of the purposes of section 3 or 4 shall take effect only upon being confirmed by a vote of shareholders present, or represented by proxy and holding not less than two-thirds of the issued capital stock represented at a special general meeting duly called for considering the same.

By-law No. 5124 confirmed.

4. By-law No. 5124 of the City passed on the 30th day of July, 1940, entitled a by-law "To authorize the Execution of an Agreement between The Corporation of the City of Hamilton and The Hamilton Street Railway Company", set forth as schedule A hereto, and the Agreement dated the 3rd day of July, 1940, set out as schedule B hereto, are confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the City is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements, and to do all such other acts, matters and things as may be deemed necessary by the City for the full and proper carrying out of the provisions of the said Agreement.

Powers of company.

5.—(1) The company has power and authority,—

- (a) to operate the sole transportation system in the City, and a transportation system in any other municipalities by means of the operation of electric cars running either on metal tracks or without tracks, trolley coaches and motor buses and any system for the operation of vehicles for the carriage of passengers approved by the council of the City, or of other municipalities, or by the Board. Such transportation system within the City shall be the "System" referred to in the Agreement set out as schedule B hereto, and trolley coaches shall be deemed to be buses within the meaning of the said Agreement but the company shall not be required to remove the poles, wire and other overhead structures from the highways upon which the trolley coaches of the company are operated, or are proposed to be operated;

- (b) to abandon the operation of its electric street railway service either in whole or in part, and substitute therefor a trolley coach service, or a motor bus service, or a service provided by any other vehicular means of transportation, and such change in the type of transportation shall be pursuant to the Agreement set forth in schedule B hereto and such other agreements as may be entered into with the City;
- (c) to acquire, equip, maintain and operate trolley coaches, motor buses and any other types of vehicles, and accessories therefor;
- (d) to construct, maintain, and operate a trolley coach system, with the necessary pole line, overhead structure, and feeder to supply energy, and any other materials required for the purpose of construction, operation or replacement, upon and along highways within the City or other municipalities, and to take, transport, and carry passengers and freight upon the same, by electricity, gasoline, oil or such other motive power, as it may be authorized under and subject to any agreement presently in force or hereafter to be made with the City or other municipalities, under and subject to any by-laws of the City or other municipalities, and generally to do all acts and enter into all contracts which the company deems advisable, with respect thereto;
- (e) subject to *The Highway Traffic Act* and *The Public Vehicle Act* and the regulations made under the said Acts, to operate public vehicles hired for the purpose of conveying persons on a special trip or special return trip from the City or other municipalities in which the company operates transportation facilities, and to make charges in connection therewith.

(2) The exercise, prior to the coming into force of this Act, ^{Past exercise of powers confirmed.} by the company of any of the powers mentioned in this section is hereby validated and confirmed.

6. The company is authorized to take, or otherwise acquire ^{Power to acquire shares, etc., in other companies.} and hold shares, bonds or other securities of any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company.

7.—(1) Subject to the provisions of this section, it shall be ^{Director interested in a contract with the company.} the duty of a director of the company who is in any way, whether directly or indirectly, interested in a contract or proposed contract with another company to declare his interest at a meeting of directors of the company.

At what
meeting
declaration
to be made.

(2) In the case of a proposed contract the declaration required by this section to be made by a director shall be made at the meeting of directors at which the question of entering into the contract is first taken into consideration, or if the director is absent from such meeting then at the first meeting thereafter at which he is present, or if the director is not at the date of that meeting interested in the proposed contract, at the next meeting of directors held after he becomes so interested, and, in a case where the director becomes interested in a contract after it is made, the said declaration shall be made at the first meeting of directors held after the director becomes so interested, and, in a case where the director is interested in a contract made prior to the coming into force of this Act, the said declaration shall be made at the first meeting of directors held after the coming into force of this Act.

What
deemed
sufficient
declaration.

(3) For the purposes of this section, a general notice given to the directors of the company by a director to the effect that he is a shareholder of or a director of or otherwise interested in any other company or is a member of a specified firm and is to be regarded as interested in any contract made with such other company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract heretofore or hereafter made.

Director not
to vote if
interested.
Exception.

(4) No director shall vote in respect of any contract or proposed contract in which he is so interested as aforesaid and if he does so vote his vote shall not be counted, provided that this prohibition shall not apply in the case of any contract by or on behalf of the company to give to the directors or any of them security for advances or by way of indemnity.

When
director not
accountable.

(5) If a director has made a declaration of his interest in a contract or proposed contract in compliance with this section and has not voted in respect of such contract contrary to the prohibition contained in subsection 4, where such prohibition applies, or in a case of a director being interested in a contract made prior to the coming into force of this Act if he has made a declaration of his interest in a contract at the first meeting of directors held after the coming into force of this Act, such director shall not be accountable to the company or any of its shareholders or creditors or other persons for any profit realized by such director by reason only of such director holding that office or of the fiduciary relationship thereby established for any profit realized by such contract, nor shall such director thereby be disqualified as a director of the company, nor shall a contract thereby entered into by the company be deemed voidable or void.

(6) For the purposes of this section the expression "contract" includes an arrangement and the expression "meeting of directors" includes a meeting of an executive committee. "Contract" and "meeting of directors" defined.

(7) Nothing in this section shall impose any liability upon a director in respect of the profit realized by any contract which has been confirmed by the vote of the shareholders of the company at a special general meeting called for that purpose. No liability when contract confirmed.

8. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

9. This Act may be cited as *The Hamilton Street Railway Act, 1947*. Short title.

SCHEDULE A

BY-LAW No. 5124

To authorize the Execution of an Agreement between the Corporation of the City of Hamilton and The Hamilton Street Railway Company.

The Council of The Corporation of the City of Hamilton enacts as follows:—

1. That the Agreement dated the 3rd day of July, 1940, between The Corporation of the City of Hamilton and The Hamilton Street Railway passed by the Council of said City on 3rd July, 1940, is hereby approved and confirmed.

2. The Mayor and the Clerk of the said Corporation are hereby authorized and directed to execute the said Agreement on behalf of the City Corporation and to affix to it the corporate seal of the Municipality.

PASSED this 30th day of July, A.D. 1940.

(Signed) J. F. BERRY,
City Clerk.

(Signed) WM. MORRISON,
Mayor.

SCHEDULE B

THIS AGREEMENT dated the 3rd day of July, A.D. 1940.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON (hereinafter called the "City"),

OF THE FIRST PART,

—and—

THE HAMILTON STREET RAILWAY COMPANY (hereinafter called the "Company"),

OF THE SECOND PART;

WHEREAS the Company owns and operates in the City of Hamilton a transportation system with street cars and buses which is hereinafter called the "System";

AND WHEREAS in connection with the System, the City passed certain by-laws more particularly by-laws Numbers 624 in 1892, 955 in 1898, and 3336 in 1926, and entered into agreement with the Company in respect of certain of the by-laws;

AND WHEREAS at the request of the City the Company as a temporary experiment has been operating a bus service on York Street instead of street cars and the City desires the cessation of street car service on York Street and substitution of bus service therefor;

AND WHEREAS from time to time changes from street cars to buses may be desired on other routes;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the consideration herein contained the parties hereto covenant, promise and agree as follows:

1. The Company shall change the type of transportation service on York Street from street cars to buses:

2. The City assents to the change from street cars to buses heretofore made on York Street, but such assent shall not be construed as approval of the sufficiency of same:

3. From time to time if either party requests and the other party approves, the Company may change the type of transportation service from street cars to buses on any route and part of an existing route may be deemed a route; for any such request or approval by the City a by-law of council shall be sufficient evidence of authority; if either party requests in writing such change and the other party does not approve within one month after receipt of said request in writing, the matter shall be determined by the Ontario Municipal Board or any other body subject to Provincial jurisdiction that may at that time have the powers of that Board in respect of this matter and there shall be considered the costs to the Company of the change, the needs of the population, the estimated return upon the proposed increased investment (if any) and the general financial conditions:

4. Where the service on any route has been changed from street cars to buses, the Company shall not be required to change again to street cars unless the Ontario Municipal Board or said other body orders such change to street cars after a hearing before it when it shall consider the cost to the Company of the change, the needs of the population, the estimated return upon the proposed increased investment (if any) and the general financial conditions; in the event of the Company ceasing to operate street cars on a route which has been changed to the operating of buses this shall not be deemed a ceasing to operate the railway or system or any default on the part of the Company or any cause of forfeiture:

5. The fares on the buses on any such route and the transfer privileges from and to the said buses shall be the ordinary fares and privileges, i.e., the same as if street cars were being operated instead of buses.

6. Wherever the Company under this agreement ceases entirely to operate street cars on any street or part of a street,

(a) the Company at its own expense shall remove all of its rails except where the flat base part remains in place by agreement of both parties, and also all of its poles, wire and other overhead structures except to the extent that the same are necessary for operation of street cars on other routes but shall not be responsible or liable for removal of anything else which shall be at the option and expense of the City;

(b) the City and the Company shall pay equally and shall be jointly responsible for the new pavement where rails have been removed as aforesaid;

(c) the City shall be solely responsible for the repair of its streets and also for the removal of snow and ice and the Company shall not be liable for any part of this work or of the cost thereof:

7. The said bus route on York Street and the other routes for street cars and for buses operated by the Company at the date of this agreement are approved and confirmed by the City:

8. The right of the City, under clause 15 of said By-law 624 and amendments thereof, to assume ownership of the railway and of all real and personal property in connection with the working thereof, shall be suspended until the 22nd day of December, 1963, which shall be the earliest date on which the City shall be entitled to exercise the said right:

9. This agreement is in amendment of the said by-laws and agreements, more particularly by-laws Nos. 624, 955 and 3336, and the said by-laws and agreements, so far as they are in force, shall, subject as herein modified, remain in full force and effect:

10. The parties hereto agree to join in applying to the Legislature of the Province of Ontario at its next session for legislation confirming this agreement and declaring the same to be legal, valid and binding upon the parties hereto; the expense of such legislation shall be borne equally by the Company and the City:

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED
in the presence of:

Approved—
A. J. POLSON, (Seal)
City Solicitor.

Approved—
2nd August, 1940.
W. GEORGE HANNA,
Solicitor.
August 6th, 1940.
R. T. JEFFERY,
Chief Mun. Engineer.

THE CORPORATION OF THE CITY OF
HAMILTON

WM. MORRISON,
Mayor.

J. F. BERRY,
Clerk.

THE HAMILTON STREET RAILWAY
COMPANY.

T. H. HOGG,
President.

(Seal) OSBORNE MITCHELL,
Secretary.

An Act respecting The Hamilton Street
Railway Company.

1st Reading

2nd Reading

3rd Reading

MR. ELLIOTT

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting The Hamilton Street Railway Company.

MR. ELLIOTT

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting The Hamilton Street Railway Company.

WHEREAS the company by its petition has represented ^{Preamble.} that it was incorporated by an Act entitled *An Act to incorporate "The Hamilton Street Railway Company"*, being ^{1873, c. 100.} chapter 100 of the Statutes of Ontario, 1873; whereas the said Act was amended by *An Act respecting the Hamilton Street Railway Company*, being chapter 90 of the Statutes of Ontario, ^{1893, c. 90.} 1893; whereas the company has prayed for special legislation with respect to its powers, the issuing of bonds, debentures and other securities and the conversion of its transportation system, and to validate By-law No. 5124 of the City and a certain agreement between the City and the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act and in the provisions of the Acts referred to ^{Interpretation.} in the preamble that are amended or re-enacted by this Act,—

- (a) "company" shall mean The Hamilton Street Railway "company"; Company;
- (b) "Board" shall mean the Ontario Municipal Board; "Board";
- (c) "bonds, debentures or other securities" shall mean "bonds, debentures or other securities"; bonds, debentures, debenture stock, equipment trust certificates or bonds, or any other securities, or other obligations of the company secured by mortgage of or charge upon the assets of the company or any part thereof, or by any contract evidencing the lease, conditional sale or bailment of rolling stock or equipment of the company;
- (d) "City" shall mean the Corporation of the City of "City"; Hamilton; and

"trolley coach".

(e) "trolley coach" shall include trackless trolley and trolley bus.

1873,
c. 100, s. 8,
amended.

2.—(1) Section 8 of the Act entitled *An Act to incorporate "The Hamilton Street Railway Company"*, being chapter 100 of the Statutes of Ontario, 1873, is amended by striking out the proviso commencing in the sixteenth line.

1873,
c. 100, s. 13,
re-enacted.

(2) Section 13 of the said Act is repealed and the following substituted therefor:

Payment
of fares.

13. Fares shall be due and payable upon demand by every passenger on entering, travelling on, or leaving a street railway car, trolley coach, motor bus or other vehicular means of transportation operated by the company; and any person refusing to pay the fare when demanded by the conductor, operator, driver, or other company representative, and refusing on demand to quit the street railway car, trolley coach, motor bus or other vehicular means of transportation, shall be guilty of an offence and liable to a fine of not less than \$5, recoverable under *The Summary Convictions Act*.

1893,
c. 90, s. 3,
re-enacted.

3.—(1) Section 3 of the Act entitled *An Act respecting the Hamilton Street Railway Company*, being chapter 90 of the Statutes of Ontario, 1893, is repealed and the following substituted therefor:

By-laws,—

3.—(1) The directors of the company may from time to time make by-laws, subject to the approval of the Provincial Secretary, for,—

increasing or
decreasing
capital stock;

(a) increasing or decreasing the capital stock of the company to such amount or amounts as the company may require;

creating
preference
or other
classes
of shares;

(b) creating and issuing any part of the capital as preference shares or any other class of shares;

conversion
of shares,
debentures;

(c) converting common shares into preference shares or preference shares into common shares or debentures or debenture stock; debentures into debenture stock or preference shares or any class of shares or securities into any other class;

fixing
par value of
any class
of shares;

(d) fixing the par value of any class of shares issued or to be issued by the company, including the shares referred to in section 2 of *The Hamilton Street Railway Act, 1946*;

1946, c. 36.

- (e) redividing the capital of the company into ^{redividing} shares; shares of smaller or larger amount;
- (f) changing all or any of the company's previously ^{changing} authorized shares with par value, issued or ^{shares from} par value to ^{no par value;} unissued, including the shares referred to in section 2 of *The Hamilton Street Railway Act, 1946*, into the same or a different number of shares of any class or classes without par value;
- (g) changing all or any of the company's pre- ^{from no par} viously authorized shares without par value, ^{value to} par value; issued or unissued, into the same or a different number of shares of any class or classes with par value;
- (h) classifying or re-classifying any of the com- ^{classifying} pany's shares, either with or without par ^{shares;} value
- (i) consolidating or subdividing any of the com- ^{consolidating} pany's shares either with or without par ^{or sub-} ^{dividing} ^{shares.} value.

(2) A by-law passed in pursuance of the exercise of any ^{By-law for} of the powers set out in subsection 1 may provide ^{issue of} that the holders of such shares, debentures or debenture stock shall have such preference as regards dividends and repayment on dissolution or winding up as may be therein set out, and the right to select a stated proportion of the board of directors, or such other control over the affairs of the company as may be considered expedient, or may limit the right of the holders thereof to specific dividends or control of the affairs of the company or otherwise, not contrary to law, and may provide for the purchase or redemption of such shares, debentures or debenture stock by the company as therein set out, but any term or provision of such by-law, whereby the rights of holders of such shares, debentures or debenture stock are limited or restricted, shall be fully set out in the certificate of such shares, debentures or debenture stock and in the event of such limitations and restrictions not being so set out they shall not be deemed to qualify the rights of holders thereof.

(2) Sections 4, 5, 6, 7 and 8 of the said Act are repealed ^{1893,} and the following substituted therefor: ^{c. 90, s. 4, 5,} ^{re-enacted;} ^{ss. 6, 7, 8,} ^{repealed.}

4.—(1) The company from time to time may create and ^{Power to} ^{issue} ^{securities.}

Continuance
of right to
issue
securities.

issue, or cause to be created and issued bonds, debentures or other securities to an aggregate principal amount not exceeding the sum of \$5,000,000 bearing such date or dates, carrying interest at such rate or rates, payable in such currency or currencies and on such date or dates, containing such terms and conditions and to be issued from time to time in one or more series as the directors may determine. The power of issuing bonds, debentures or other securities conferred by this section shall not be exhausted by any issue; but any bonds, debentures or other securities purchased, redeemed or cancelled may be re-issued, or new bonds, debentures or other securities may be issued in the place and stead of such bonds, debentures or other securities purchased, redeemed or cancelled; but in no case shall the sum of \$5,000,000 be exceeded at any one time.

Application
of proceeds
of securities.

- (2) The net proceeds of all or any of the bonds, debentures or other securities, issued in pursuance of the power by this section conferred, shall from time to time be expended for the general purposes of the company and more specifically in the purchase or acquisition of trolley coaches, motor buses, street cars and other vehicular means of transportation operated as part of or in connection with the railway, or accessories therefor; in the conversion of the railway to a trolley coach system and more particularly but in no way limiting the said conversion, to replace and remove poles, to remove all overhead lines and structures, to construct a trolley coach overhead and feeders to supply electrical energy, to purchase overhead material and spun wire; to remove, in accordance with the arrangements with the City more particularly set out in schedule B to *The Hamilton Street Railway Act, 1947*, the physical property of the company including street railway tracks, necessary cross-overs, single tracks and side tracks, diamonds at intersections with tracks of railway companies, turnouts and switches located upon any street upon which the company operates; to erect or acquire buildings, machinery, lands, other necessary plant, fixtures and materials from time to time required for the purposes of the company and in the building of any extension of the railway authorized to be undertaken by the company or in the payment of any liability of the company, or debt contracted for any of the purposes aforesaid and remaining unpaid at the time of the passing of the said Act.

Power to
mortgage
property to
secure
bonds, etc.

- (3) For the purpose of securing the payment of the said

bonds, debentures, or other securities, and interest thereon, and all other moneys secured or intended to be secured thereby or by deed of trust, mortgage or other instrument, the directors of the company, if authorized by by-law, may charge, hypothecate, mortgage or pledge in favour of a trustee for the holders of the said bonds, debentures or other securities, the undertaking, any or all of the real or personal property, including all land, and interest in lands, buildings, fixtures, improvements, stations, terminals, rolling stock, equipment, income, rents, tolls, revenues, sources of money, rights, powers, privileges, franchises and all properties and assets of or belonging to the company, at any time acquired, by way of a fixed and specific or floating charge or charges thereon in favour of the trustee.

- (4) The deed of trust, mortgage or other instrument creating and evidencing such charge, hypothecation, mortgage or pledge shall be in such form and shall contain such covenants, agreements, stipulations, provisos and conditions, including sinking fund provisions and provisions for the calling or redemption of the bonds, debentures or other securities, as the directors may determine, and the board of directors of the company shall have power to authorize one or more of their number to determine and approve of the form of the said deed of trust, mortgage or other instrument. Form of mortgage, etc.
- (5) The directors of the company may issue, sell, pledge, hypothecate and otherwise dispose of the whole or any part or parts of the said bonds, debentures or other securities, or of any series forming part of the authorized issue, on such terms and conditions, and at such price or prices and either at par or at a discount or at a premium as they may deem advisable. Raising money on securities.
- (6) The directors of the company are hereby authorized and empowered to do and perform or cause to be done and performed all such acts, matters and things, and to execute and cause to be executed or authorize the execution by such person or persons and in such manner as they may see fit, of all such bonds, debentures or other securities, coupons, transferable interim certificates, acknowledgments, receipts, deeds, assignments, covenants and assurances as they may deem necessary or advisable in connection with the creation, issue, sale, pledge or other disposition of the said bonds, debentures or other securities and the Power to perform all acts re issue of securities, etc.

securing thereof by proper and sufficient instrument or instruments.

Power to dispose of lands and personal property no longer required.

- (7) The company may from time to time sell and dispose of any of its lands and personal property, which it shall find unsuitable or unnecessary for the purposes of the company, subject to the provisions of any then existing deed of trust, mortgage or other instrument.

Confirming by-laws.

5. A by-law for any of the purposes of section 3 or 4 shall take effect only upon being confirmed by a vote of shareholders present, or represented by proxy and holding not less than two-thirds of the issued capital stock represented at a special general meeting duly called for considering the same.

By-law No. 5124 confirmed.

4. By-law No. 5124 of the City passed on the 30th day of July, 1940, entitled a by-law "To authorize the Execution of an Agreement between The Corporation of the City of Hamilton and The Hamilton Street Railway Company", set forth as schedule A hereto, and the Agreement dated the 3rd day of July, 1940, set out as schedule B hereto, are confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the City is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements, and to do all such other acts, matters and things as may be deemed necessary by the City for the full and proper carrying out of the provisions of the said Agreement.

Powers of company.

- 5.—(1) The company has power and authority,—

- (a) to operate the sole transportation system in the City, and a transportation system in any other municipalities by means of the operation of electric cars running either on metal tracks or without tracks, trolley coaches and motor buses and any system for the operation of vehicles for the carriage of passengers approved by the council of the City, or of other municipalities, or by the Board. Such transportation system within the City shall be the "System" referred to in the Agreement set out as schedule B hereto, and trolley coaches shall be deemed to be buses within the meaning of the said Agreement but the company shall not be required to remove the poles, wire and other overhead structures from the highways upon which the trolley coaches of the company are operated, or are proposed to be operated;

- (b) to abandon the operation of its electric street railway service either in whole or in part, and substitute therefor a trolley coach service, or a motor bus service, or a service provided by any other vehicular means of transportation, and such change in the type of transportation shall be pursuant to the Agreement set forth in schedule B hereto and such other agreements as may be entered into with the City;
- (c) to acquire, equip, maintain and operate trolley coaches, motor buses and any other types of vehicles, and accessories therefor;
- (d) to construct, maintain, and operate a trolley coach system, with the necessary pole line, overhead structure, and feeder to supply energy, and any other materials required for the purpose of construction, operation or replacement, upon and along highways within the City or other municipalities, and to take, transport, and carry passengers and freight upon the same, by electricity, gasoline, oil or such other motive power, as it may be authorized under and subject to any agreement presently in force or hereafter to be made with the City or other municipalities, under and subject to any by-laws of the City or other municipalities, and generally to do all acts and enter into all contracts which the company deems advisable, with respect thereto;
- (e) subject to *The Highway Traffic Act* and *The Public Vehicle Act* and the regulations made under the said Acts, to operate public vehicles hired for the purpose of conveying persons on a special trip or special return trip from the City or other municipalities in which the company operates transportation facilities, and to make charges in connection therewith.

(2) The exercise, prior to the coming into force of this Act, ^{Past exercise of powers confirmed.} by the company of any of the powers mentioned in this section is hereby validated and confirmed.

6. The company is authorized to take, or otherwise acquire ^{Power to acquire shares, etc., in other companies.} and hold shares, bonds or other securities of any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company.

7.—(1) Subject to the provisions of this section, it shall be ^{Director interested in a contract with the company.} the duty of a director of the company who is in any way, whether directly or indirectly, interested in a contract or proposed contract with another company to declare his interest at a meeting of directors of the company.

At what
meeting
declaration
to be made.

(2) In the case of a proposed contract the declaration required by this section to be made by a director shall be made at the meeting of directors at which the question of entering into the contract is first taken into consideration, or if the director is absent from such meeting then at the first meeting thereafter at which he is present, or if the director is not at the date of that meeting interested in the proposed contract, at the next meeting of directors held after he becomes so interested, and, in a case where the director becomes interested in a contract after it is made, the said declaration shall be made at the first meeting of directors held after the director becomes so interested, and, in a case where the director is interested in a contract made prior to the coming into force of this Act, the said declaration shall be made at the first meeting of directors held after the coming into force of this Act.

What
deemed
sufficient
declaration.

(3) For the purposes of this section, a general notice given to the directors of the company by a director to the effect that he is a shareholder of or a director of or otherwise interested in any other company or is a member of a specified firm and is to be regarded as interested in any contract made with such other company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract heretofore or hereafter made.

Director not
to vote if
interested.

Exception.

(4) No director shall vote in respect of any contract or proposed contract in which he is so interested as aforesaid and if he does so vote his vote shall not be counted, provided that this prohibition shall not apply in the case of any contract by or on behalf of the company to give to the directors or any of them security for advances or by way of indemnity.

When
director not
accountable.

(5) If a director has made a declaration of his interest in a contract or proposed contract in compliance with this section and has not voted in respect of such contract contrary to the prohibition contained in subsection 4, where such prohibition applies, or in a case of a director being interested in a contract made prior to the coming into force of this Act if he has made a declaration of his interest in a contract at the first meeting of directors held after the coming into force of this Act, such director shall not be accountable to the company or any of its shareholders or creditors or other persons for any profit realized by such director by reason only of such director holding that office or of the fiduciary relationship thereby established for any profit realized by such contract, nor shall such director thereby be disqualified as a director of the company, nor shall a contract thereby entered into by the company be deemed voidable or void.

(6) For the purposes of this section the expression "contract" includes an arrangement and the expression "meeting of directors" includes a meeting of an executive committee. ^{"Contract" and "meeting of directors" defined.}

(7) Nothing in this section shall impose any liability upon a director in respect of the profit realized by any contract which has been confirmed by the vote of the shareholders of the company at a special general meeting called for that purpose. ^{No liability when contract confirmed.}

8. Notwithstanding this Act, any new franchise agreement or any renewal of any existing franchise agreement shall be subject to *The Municipal Franchises Act*. ^{New franchises, etc. Rev. Stat., c. 277.}

9. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

10. This Act may be cited as *The Hamilton Street Railway Act, 1947*. ^{Short title.}

SCHEDULE A

BY-LAW No. 5124

To authorize the Execution of an Agreement between the Corporation of the City of Hamilton and The Hamilton Street Railway Company.

The Council of The Corporation of the City of Hamilton enacts as follows:—

1. That the Agreement dated the 3rd day of July, 1940, between The Corporation of the City of Hamilton and The Hamilton Street Railway passed by the Council of said City on 3rd July, 1940, is hereby approved and confirmed.

2. The Mayor and the Clerk of the said Corporation are hereby authorized and directed to execute the said Agreement on behalf of the City Corporation and to affix to it the corporate seal of the Municipality.

PASSED this 30th day of July, A.D. 1940.

(Signed) J. F. BERRY,
City Clerk.

(Signed) WM. MORRISON,
Mayor.

SCHEDULE B

THIS AGREEMENT dated the 3rd day of July, A.D. 1940.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON (hereinafter called the "City"),

OF THE FIRST PART,

—and—

THE HAMILTON STREET RAILWAY COMPANY (hereinafter called the "Company"),

OF THE SECOND PART;

WHEREAS the Company owns and operates in the City of Hamilton a transportation system with street cars and buses which is hereinafter called the "System";

AND WHEREAS in connection with the System, the City passed certain by-laws more particularly by-laws Numbers 624 in 1892, 955 in 1898, and 3336 in 1926, and entered into agreement with the Company in respect of certain of the by-laws;

AND WHEREAS at the request of the City the Company as a temporary experiment has been operating a bus service on York Street instead of street cars and the City desires the cessation of street car service on York Street and substitution of bus service therefor;

AND WHEREAS from time to time changes from street cars to buses may be desired on other routes;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the consideration herein contained the parties hereto covenant, promise and agree as follows:

1. The Company shall change the type of transportation service on York Street from street cars to buses:

2. The City assents to the change from street cars to buses heretofore made on York Street, but such assent shall not be construed as approval of the sufficiency of same:

3. From time to time if either party requests and the other party approves, the Company may change the type of transportation service from street cars to buses on any route and part of an existing route may be deemed a route; for any such request or approval by the City a by-law of council shall be sufficient evidence of authority; if either party requests in writing such change and the other party does not approve within one month after receipt of said request in writing, the matter shall be determined by the Ontario Municipal Board or any other body subject to Provincial jurisdiction that may at that time have the powers of that Board in respect of this matter and there shall be considered the costs to the Company of the change, the needs of the population, the estimated return upon the proposed increased investment (if any) and the general financial conditions:

4. Where the service on any route has been changed from street cars to buses, the Company shall not be required to change again to street cars unless the Ontario Municipal Board or said other body orders such change to street cars after a hearing before it when it shall consider the cost to the Company of the change, the needs of the population, the estimated return upon the proposed increased investment (if any) and the general financial conditions; in the event of the Company ceasing to operate street cars on a route which has been changed to the operating of buses this shall not be deemed a ceasing to operate the railway or system or any default on the part of the Company or any cause of forfeiture:

5. The fares on the buses on any such route and the transfer privileges from and to the said buses shall be the ordinary fares and privileges, i.e., the same as if street cars were being operated instead of buses.

6. Wherever the Company under this agreement ceases entirely to operate street cars on any street or part of a street,

(a) the Company at its own expense shall remove all of its rails except where the flat base part remains in place by agreement of both parties, and also all of its poles, wire and other overhead structures except to the extent that the same are necessary for operation of street cars on other routes but shall not be responsible or liable for removal of anything else which shall be at the option and expense of the City;

(b) the City and the Company shall pay equally and shall be jointly responsible for the new pavement where rails have been removed as aforesaid;

(c) the City shall be solely responsible for the repair of its streets and also for the removal of snow and ice and the Company shall not be liable for any part of this work or of the cost thereof:

7. The said bus route on York Street and the other routes for street cars and for buses operated by the Company at the date of this agreement are approved and confirmed by the City:

8. The right of the City, under clause 15 of said By-law 624 and amendments thereof, to assume ownership of the railway and of all real and personal property in connection with the working thereof, shall be suspended until the 22nd day of December, 1963, which shall be the earliest date on which the City shall be entitled to exercise the said right:

9. This agreement is in amendment of the said by-laws and agreements, more particularly by-laws Nos. 624, 955 and 3336, and the said by-laws and agreements, so far as they are in force, shall, subject as herein modified, remain in full force and effect:

10. The parties hereto agree to join in applying to the Legislature of the Province of Ontario at its next session for legislation confirming this agreement and declaring the same to be legal, valid and binding upon the parties hereto; the expense of such legislation shall be borne equally by the Company and the City:

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED
in the presence of:

Approved—
A. J. POLSON, (Seal)
City Solicitor.

Approved—
2nd August, 1940.
W. GEORGE HANNA,
Solicitor.
August 6th, 1940.
R. T. JEFFERY,
Chief Mun. Engineer.

THE CORPORATION OF THE CITY OF
HAMILTON

WM. MORRISON,
Mayor.

J. F. BERRY,
Clerk.

THE HAMILTON STREET RAILWAY
COMPANY.

T. H. HOGG,
President.

(Seal) OSBORNE MITCHELL,
Secretary.

An Act respecting The Hamilton Street
Railway Company.

1st Reading

March 13th, 1947

2nd Reading

3rd Reading

MR. ELLIOTT

(Reprinted as amended by the Committee on
Private Bills.)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting The Hamilton Street Railway Company.

MR. ELLIOTT

BILL

An Act respecting The Hamilton Street Railway Company.

WHEREAS the company by its petition has represented ^{Preamble.} that it was incorporated by an Act entitled *An Act to incorporate "The Hamilton Street Railway Company"*, being 1873, c. 100. chapter 100 of the Statutes of Ontario, 1873; whereas the said Act was amended by *An Act respecting the Hamilton Street Railway Company*, being chapter 90 of the Statutes of Ontario, 1893, c. 90. 1893; whereas the company has prayed for special legislation with respect to its powers, the issuing of bonds, debentures and other securities and the conversion of its transportation system, and to validate By-law No. 5124 of the City and a certain agreement between the City and the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act and in the provisions of the Acts referred to ^{Interpretation,} in the preamble that are amended or re-enacted by this Act,—

- (a) "company" shall mean The Hamilton Street Railway "company"; Company;
- (b) "Board" shall mean the Ontario Municipal Board; "Board";
- (c) "bonds, debentures or other securities" shall mean ^{"bonds, debentures or other securities";} bonds, debentures, debenture stock, equipment trust certificates or bonds, or any other securities, or other obligations of the company secured by mortgage of or charge upon the assets of the company or any part thereof, or by any contract evidencing the lease, conditional sale or bailment of rolling stock or equipment of the company;
- (d) "City" shall mean the Corporation of the City of "City"; Hamilton; and

"trolley coach".

(e) "trolley coach" shall include trackless trolley and trolley bus.

1873,
c. 100, s. 8,
amended.

2.—(1) Section 8 of the Act entitled *An Act to incorporate "The Hamilton Street Railway Company"*, being chapter 100 of the Statutes of Ontario, 1873, is amended by striking out the proviso commencing in the sixteenth line.

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c. 100, s. 13,
re-enacted.

(2) Section 13 of the said Act is repealed and the following substituted therefor:

Payment
of fares.

13. Fares shall be due and payable upon demand by every passenger on entering, travelling on, or leaving a street railway car, trolley coach, motor bus or other vehicular means of transportation operated by the company; and any person refusing to pay the fare when demanded by the conductor, operator, driver, or other company representative, and refusing on demand to quit the street railway car, trolley coach, motor bus or other vehicular means of transportation, shall be guilty of an offence and liable to a fine of not less than \$5, recoverable under *The Summary Convictions Act*.

1893,
c. 90, s. 3,
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3.—(1) Section 3 of the Act entitled *An Act respecting the Hamilton Street Railway Company*, being chapter 90 of the Statutes of Ontario, 1893, is repealed and the following substituted therefor:

By-laws,—

3.—(1) The directors of the company may from time to time make by-laws, subject to the approval of the Provincial Secretary, for,—

increasing or
decreasing
capital stock;

(a) increasing or decreasing the capital stock of the company to such amount or amounts as the company may require;

creating
preference
or other
classes
of shares;

(b) creating and issuing any part of the capital as preference shares or any other class of shares;

conversion
of shares,
debentures;

(c) converting common shares into preference shares or preference shares into common shares or debentures or debenture stock; debentures into debenture stock or preference shares or any class of shares or securities into any other class;

fixing
par value of
any class
of shares;

(d) fixing the par value of any class of shares issued or to be issued by the company, including the shares referred to in section 2 of *The Hamilton Street Railway Act, 1946*;

1946, c. 36.

- (e) redividing the capital of the company into ^{redividing} shares of smaller or larger amount; _{shares;}
- (f) changing all or any of the company's previously ^{changing} authorized shares with par value, issued or _{shares from} unissued, including the shares referred to in ^{par value to} section 2 of *The Hamilton Street Railway Act, 1946*, into the same or a different number of shares of any class or classes without par value; _{no par value;}
- (g) changing all or any of the company's pre- ^{from no par} viously authorized shares without par value, _{value to} issued or unissued, into the same or a different number of shares of any class or classes with par value; _{par value;}
- (h) classifying or re-classifying any of the com- ^{classifying} pany's shares, either with or without par _{shares;} value
- (i) consolidating or subdividing any of the com- ^{consolidating} pany's shares either with or without par _{or sub-} value. _{dividing} _{shares.}

- (2) A by-law passed in pursuance of the exercise of any ^{By-law for} of the powers set out in subsection 1 may provide _{issue of} that the holders of such shares, debentures or debenture stock shall have such preference as regards dividends and repayment on dissolution or winding up as may be therein set out, and the right to select a stated proportion of the board of directors, or such other control over the affairs of the company as may be considered expedient, or may limit the right of the holders thereof to specific dividends or control of the affairs of the company or otherwise, not contrary to law, and may provide for the purchase or redemption of such shares, debentures or debenture stock by the company as therein set out, but any term or provision of such by-law, whereby the rights of holders of such shares, debentures or debenture stock are limited or restricted, shall be fully set out in the certificate of such shares, debentures or debenture stock and in the event of such limitations and restrictions not being so set out they shall not be deemed to qualify the rights of holders thereof.

(2) Sections 4, 5, 6, 7 and 8 of the said Act are repealed ^{1893,} and the following substituted therefor: _{c. 90, s. 4, 5,}

4.—(1) The company from time to time may create and ^{Power to} _{issue} _{securities.}

Continuance
of right to
issue
securities.

issue, or cause to be created and issued bonds, debentures or other securities to an aggregate principal amount not exceeding the sum of \$5,000,000 bearing such date or dates, carrying interest at such rate or rates, payable in such currency or currencies and on such date or dates, containing such terms and conditions and to be issued from time to time in one or more series as the directors may determine. The power of issuing bonds, debentures or other securities conferred by this section shall not be exhausted by any issue; but any bonds, debentures or other securities purchased, redeemed or cancelled may be re-issued, or new bonds, debentures or other securities may be issued in the place and stead of such bonds, debentures or other securities purchased, redeemed or cancelled; but in no case shall the sum of \$5,000,000 be exceeded at any one time.

Application
of proceeds
of securities.

- (2) The net proceeds of all or any of the bonds, debentures or other securities, issued in pursuance of the power by this section conferred, shall from time to time be expended for the general purposes of the company and more specifically in the purchase or acquisition of trolley coaches, motor buses, street cars and other vehicular means of transportation operated as part of or in connection with the railway, or accessories therefor; in the conversion of the railway to a trolley coach system and more particularly but in no way limiting the said conversion, to replace and remove poles, to remove all overhead lines and structures, to construct a trolley coach overhead and feeders to supply electrical energy, to purchase overhead material and spun wire; to remove, in accordance with the arrangements with the City more particularly set out in schedule B to *The Hamilton Street Railway Act, 1947*, the physical property of the company including street railway tracks, necessary cross-overs, single tracks and side tracks, diamonds at intersections with tracks of railway companies, turnouts and switches located upon any street upon which the company operates; to erect or acquire buildings, machinery, lands, other necessary plant, fixtures and materials from time to time required for the purposes of the company and in the building of any extension of the railway authorized to be undertaken by the company or in the payment of any liability of the company, or debt contracted for any of the purposes aforesaid and remaining unpaid at the time of the passing of the said Act.

Power to
mortgage
property to
secure
bonds, etc.

- (3) For the purpose of securing the payment of the said

bonds, debentures, or other securities, and interest thereon, and all other moneys secured or intended to be secured thereby or by deed of trust, mortgage or other instrument, the directors of the company, if authorized by by-law, may charge, hypothecate, mortgage or pledge in favour of a trustee for the holders of the said bonds, debentures or other securities, the undertaking, any or all of the real or personal property, including all land, and interest in lands, buildings, fixtures, improvements, stations, terminals, rolling stock, equipment, income, rents, tolls, revenues, sources of money, rights, powers, privileges, franchises and all properties and assets of or belonging to the company, at any time acquired, by way of a fixed and specific or floating charge or charges thereon in favour of the trustee.

- (4) The deed of trust, mortgage or other instrument ^{Form of mortgage, etc.} creating and evidencing such charge, hypothecation, mortgage or pledge shall be in such form and shall contain such covenants, agreements, stipulations, provisoes and conditions, including sinking fund provisions and provisions for the calling or redemption of the bonds, debentures or other securities, as the directors may determine, and the board of directors of the company shall have power to authorize one or more of their number to determine and approve of the form of the said deed of trust, mortgage or other instrument.
- (5) The directors of the company may issue, sell, pledge, ^{Raising money on securities.} hypothecate and otherwise dispose of the whole or any part or parts of the said bonds, debentures or other securities, or of any series forming part of the authorized issue, on such terms and conditions, and at such price or prices and either at par or at a discount or at a premium as they may deem advisable.
- (6) The directors of the company are hereby authorized and empowered to do and perform or cause to be done and performed all such acts, matters and things, ^{Power to perform all acts re issue of securities, etc.} and to execute and cause to be executed or authorize the execution by such person or persons and in such manner as they may see fit, of all such bonds, debentures or other securities, coupons, transferable interim certificates, acknowledgments, receipts, deeds, assignments, covenants and assurances as they may deem necessary or advisable in connection with the creation, issue, sale, pledge or other disposition of the said bonds, debentures or other securities and the

securing thereof by proper and sufficient instrument or instruments.

Power to dispose of lands and personal property no longer required.

- (7) The company may from time to time sell and dispose of any of its lands and personal property, which it shall find unsuitable or unnecessary for the purposes of the company, subject to the provisions of any then existing deed of trust, mortgage or other instrument.

Confirming by-laws.

5. A by-law for any of the purposes of section 3 or 4 shall take effect only upon being confirmed by a vote of shareholders present, or represented by proxy and holding not less than two-thirds of the issued capital stock represented at a special general meeting duly called for considering the same.

By-law No. 5124 confirmed.

4. By-law No. 5124 of the City passed on the 30th day of July, 1940, entitled a by-law "To authorize the Execution of an Agreement between The Corporation of the City of Hamilton and The Hamilton Street Railway Company", set forth as schedule A hereto, and the Agreement dated the 3rd day of July, 1940, set out as schedule B hereto, are confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the City is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements, and to do all such other acts, matters and things as may be deemed necessary by the City for the full and proper carrying out of the provisions of the said Agreement.

Powers of company.

- 5.—(1) The company has power and authority,—

- (a) to operate the sole transportation system in the City, and a transportation system in any other municipalities by means of the operation of electric cars running either on metal tracks or without tracks, trolley coaches and motor buses and any system for the operation of vehicles for the carriage of passengers approved by the council of the City, or of other municipalities, or by the Board. Such transportation system within the City shall be the "System" referred to in the Agreement set out as schedule B hereto, and trolley coaches shall be deemed to be buses within the meaning of the said Agreement but the company shall not be required to remove the poles, wire and other overhead structures from the highways upon which the trolley coaches of the company are operated, or are proposed to be operated;

- (b) to abandon the operation of its electric street railway service either in whole or in part, and substitute therefor a trolley coach service, or a motor bus service, or a service provided by any other vehicular means of transportation, and such change in the type of transportation shall be pursuant to the Agreement set forth in schedule B hereto and such other agreements as may be entered into with the City;
- (c) to acquire, equip, maintain and operate trolley coaches, motor buses and any other types of vehicles, and accessories therefor;
- (d) to construct, maintain, and operate a trolley coach system, with the necessary pole line, overhead structure, and feeder to supply energy, and any other materials required for the purpose of construction, operation or replacement, upon and along highways within the City or other municipalities, and to take, transport, and carry passengers and freight upon the same, by electricity, gasoline, oil or such other motive power, as it may be authorized under and subject to any agreement presently in force or hereafter to be made with the City or other municipalities, under and subject to any by-laws of the City or other municipalities, and generally to do all acts and enter into all contracts which the company deems advisable, with respect thereto;
- (e) subject to *The Highway Traffic Act* and *The Public Vehicle Act* and the regulations made under the said Acts, to operate public vehicles hired for the purpose of conveying persons on a special trip or special return trip from the City or other municipalities in which the company operates transportation facilities, and to make charges in connection therewith.

(2) The exercise, prior to the coming into force of this Act, by the company of any of the powers mentioned in this section is hereby validated and confirmed. Past exercise of powers confirmed.

6. The company is authorized to take, or otherwise acquire and hold shares, bonds or other securities of any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company. Power to acquire shares, etc., in other companies.

7.—(1) Subject to the provisions of this section, it shall be the duty of a director of the company who is in any way, whether directly or indirectly, interested in a contract or proposed contract with another company to declare his interest at a meeting of directors of the company. Director interested in a contract with the company.

At what
meeting
declaration
to be made.

(2) In the case of a proposed contract the declaration required by this section to be made by a director shall be made at the meeting of directors at which the question of entering into the contract is first taken into consideration, or if the director is absent from such meeting then at the first meeting thereafter at which he is present, or if the director is not at the date of that meeting interested in the proposed contract, at the next meeting of directors held after he becomes so interested, and, in a case where the director becomes interested in a contract after it is made, the said declaration shall be made at the first meeting of directors held after the director becomes so interested, and, in a case where the director is interested in a contract made prior to the coming into force of this Act, the said declaration shall be made at the first meeting of directors held after the coming into force of this Act.

What
deemed
sufficient
declaration.

(3) For the purposes of this section, a general notice given to the directors of the company by a director to the effect that he is a shareholder of or a director of or otherwise interested in any other company or is a member of a specified firm and is to be regarded as interested in any contract made with such other company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract heretofore or hereafter made.

Director not
to vote if
interested.

Exception.

(4) No director shall vote in respect of any contract or proposed contract in which he is so interested as aforesaid and if he does so vote his vote shall not be counted, provided that this prohibition shall not apply in the case of any contract by or on behalf of the company to give to the directors or any of them security for advances or by way of indemnity.

When
director not
accountable.

(5) If a director has made a declaration of his interest in a contract or proposed contract in compliance with this section and has not voted in respect of such contract contrary to the prohibition contained in subsection 4, where such prohibition applies, or in a case of a director being interested in a contract made prior to the coming into force of this Act if he has made a declaration of his interest in a contract at the first meeting of directors held after the coming into force of this Act, such director shall not be accountable to the company or any of its shareholders or creditors or other persons for any profit realized by such director by reason only of such director holding that office or of the fiduciary relationship thereby established for any profit realized by such contract, nor shall such director thereby be disqualified as a director of the company, nor shall a contract thereby entered into by the company be deemed voidable or void.

(6) For the purposes of this section the expression "contract" includes an arrangement and the expression "meeting of directors" includes a meeting of an executive committee. "Contract" and "meeting of directors" defined.

(7) Nothing in this section shall impose any liability upon a director in respect of the profit realized by any contract which has been confirmed by the vote of the shareholders of the company at a special general meeting called for that purpose. No liability when contract confirmed.

8. Notwithstanding this Act, any new franchise agreement or any renewal of any existing franchise agreement shall be subject to *The Municipal Franchises Act*. New franchises, etc. Rev. Stat., c. 277.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

10. This Act may be cited as *The Hamilton Street Railway Act, 1947*. Short title.

SCHEDULE A

BY-LAW No. 5124

To authorize the Execution of an Agreement between the Corporation of the City of Hamilton and The Hamilton Street Railway Company.

The Council of The Corporation of the City of Hamilton enacts as follows:—

1. That the Agreement dated the 3rd day of July, 1940, between The Corporation of the City of Hamilton and The Hamilton Street Railway passed by the Council of said City on 3rd July, 1940, is hereby approved and confirmed.

2. The Mayor and the Clerk of the said Corporation are hereby authorized and directed to execute the said Agreement on behalf of the City Corporation and to affix to it the corporate seal of the Municipality.

PASSED this 30th day of July, A.D. 1940.

(Signed) J. F. BERRY,
City Clerk.

(Signed) WM. MORRISON,
Mayor.

SCHEDULE B

THIS AGREEMENT dated the 3rd day of July, A.D. 1940.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON (hereinafter called the "City"),

OF THE FIRST PART,

—and—

THE HAMILTON STREET RAILWAY COMPANY (hereinafter called the "Company"),

OF THE SECOND PART;

WHEREAS the Company owns and operates in the City of Hamilton a transportation system with street cars and buses which is hereinafter called the "System";

AND WHEREAS in connection with the System, the City passed certain by-laws more particularly by-laws Numbers 624 in 1892, 955 in 1898, and 3336 in 1926, and entered into agreement with the Company in respect of certain of the by-laws;

AND WHEREAS at the request of the City the Company as a temporary experiment has been operating a bus service on York Street instead of street cars and the City desires the cessation of street car service on York Street and substitution of bus service therefor;

AND WHEREAS from time to time changes from street cars to buses may be desired on other routes;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the consideration herein contained the parties hereto covenant, promise and agree as follows:

1. The Company shall change the type of transportation service on York Street from street cars to buses:

2. The City assents to the change from street cars to buses heretofore made on York Street, but such assent shall not be construed as approval of the sufficiency of same:

3. From time to time if either party requests and the other party approves, the Company may change the type of transportation service from street cars to buses on any route and part of an existing route may be deemed a route for any such request or approval by the City a by-law of council shall be sufficient evidence of authority; if either party requests in writing such change and the other party does not approve within one month after receipt of said request in writing, the matter shall be determined by the Ontario Municipal Board or any other body subject to Provincial jurisdiction that may at that time have the powers of that Board in respect of this matter and there shall be considered the costs to the Company of the change, the needs of the population, the estimated return upon the proposed increased investment (if any) and the general financial conditions:

4. Where the service on any route has been changed from street cars to buses, the Company shall not be required to change again to street cars unless the Ontario Municipal Board or said other body orders such change to street cars after a hearing before it when it shall consider the cost to the Company of the change, the needs of the population, the estimated return upon the proposed increased investment (if any) and the general financial conditions; in the event of the Company ceasing to operate street cars on a route which has been changed to the operating of buses this shall not be deemed a ceasing to operate the railway or system or any default on the part of the Company or any cause of forfeiture:

5. The fares on the buses on any such route and the transfer privileges from and to the said buses shall be the ordinary fares and privileges, i.e., the same as if street cars were being operated instead of buses.

6. Wherever the Company under this agreement ceases entirely to operate street cars on any street or part of a street,

(a) the Company at its own expense shall remove all of its rails except where the flat base part remains in place by agreement of both parties, and also all of its poles, wire and other overhead structures except to the extent that the same are necessary for operation of street cars on other routes but shall not be responsible or liable for removal of anything else which shall be at the option and expense of the City;

(b) the City and the Company shall pay equally and shall be jointly responsible for the new pavement where rails have been removed as aforesaid;

(c) the City shall be solely responsible for the repair of its streets and also for the removal of snow and ice and the Company shall not be liable for any part of this work or of the cost thereof:

7. The said bus route on York Street and the other routes for street cars and for buses operated by the Company at the date of this agreement are approved and confirmed by the City:

8. The right of the City, under clause 15 of said By-law 624 and amendments thereof, to assume ownership of the railway and of all real and personal property in connection with the working thereof, shall be suspended until the 22nd day of December, 1963, which shall be the earliest date on which the City shall be entitled to exercise the said right:

9. This agreement is in amendment of the said by-laws and agreements, more particularly by-laws Nos. 624, 955 and 3336, and the said by-laws and agreements, so far as they are in force, shall, subject as herein modified, remain in full force and effect:

10. The parties hereto agree to join in applying to the Legislature of the Province of Ontario at its next session for legislation confirming this agreement and declaring the same to be legal, valid and binding upon the parties hereto; the expense of such legislation shall be borne equally by the Company and the City:

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED
in the presence of:

Approved—

A. J. POLSON, (Seal)
City Solicitor.

Approved—

2nd August, 1940.

W. GEORGE HANNA,
Solicitor.

August 6th, 1940.

R. T. JEFFERY,
Chief Mun. Engineer.

THE CORPORATION OF THE CITY OF
HAMILTON

WM. MORRISON,
Mayor.

J. F. BERRY,
Clerk.

THE HAMILTON STREET RAILWAY
COMPANY.

T. H. HOGG,
President.

(Seal)

OSBORNE MITCHELL,
Secretary.

An Act respecting The Hamilton Street
Railway Company.

1st Reading

March 13th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. ELLIOTT

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Hespeler.

MR. CHAPLIN

(PRIVATE BILL)

BILL

An Act respecting the Town of Hespeler.

WHEREAS the Corporation of the Town of Hespeler by Preamble.
its petition has prayed for special legislation to confirm
an order of the Ontario Municipal Board annexing parts of the
Township of Waterloo to the Town of Hespeler; and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Order P.F. B-5967 of the Ontario Municipal Board Annexation
order
confirmed.
dated the 25th day of February, 1947, set out as schedule A
hereto, is hereby confirmed.

(2) The said order shall be deemed to have come into Effective
date.
effect on the 25th day of February, 1947.

2. The lands annexed to the Town of Hespeler, when added Assessment
and
taxation.
to the assessment rolls of the Town of Hespeler for the year
1947 pursuant to the said order, shall be assessed and all
proceedings shall be taken under *The Assessment Act* as if Rev. Stat.,
c. 272.
the lands had been entered upon the said rolls under the said
Act, and when the assessments thereof have been revised and
confirmed the said lands shall be liable to taxation in the year
1948 at the same rate as other lands in the Town of Hespeler.

3. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

4. This Act may be cited as *The Town of Hespeler Act, 1947*. Short title.

SCHEDULE A

P.F. B-5967

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 25th day of February, A.D. 1947.

BEFORE:

R. S. COLTER, ESQ., K.C.,
Chairman.W. P. NEAR, ESQ., B.A.Sc.,
Vice-Chairman, andW. J. MOORE, ESQ., O.L.S.,
Member.IN THE MATTER of Section 23 of
The Municipal Act (R.S.O. 1937,
Chapter 266), as amended, andIN THE MATTER of the Application
of the Corporation of the Town of
Hespeler for annexation thereto of
certain parts of the Township of
Waterloo.

UPON THE APPLICATION of the Corporation of the Town of Hespeler and upon reading its By-law No. 811 passed on the 16th day of January, A.D. 1947, authorizing an application to this Board to have two parts of the Township of Waterloo annexed to the Town of Hespeler, and upon holding a public hearing at the Court House in the City of Kitchener on Tuesday, the twenty-fifth day of February, A.D. 1947, for the purpose of inquiring into the merits of the application and of hearing any objections which any person might desire to bring to the attention of the Board, and upon being satisfied that notice of such hearing had been given as directed by the Board, and upon hearing what was alleged by G. M. Bray, counsel for the Corporation of the Town of Hespeler,

THE BOARD ORDERS, under and in pursuance of the provisions of section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266) as re-enacted by section 2 of *The Municipal Amendment Act, 1939* (S.O. 1939, Chapter 30) and amended by section 3 of *The Municipal Amendment Act, 1946* (S.O. 1946, Chapter 60), that those parts of the Township of Waterloo, in the County of Waterloo, described in Schedule "A" to this Order, be and the same are hereby annexed to the Town of Hespeler on the following terms:

1. That from and after the day fixed for this Order to take effect by the Act of the Legislature of the Province of Ontario confirming this Order those parts of the said Township of Waterloo hereby annexed to the Town of Hespeler shall be added to the assessment rolls of the Town of Hespeler for the year 1947 upon which taxes will be levied in the year 1948;

2. That all taxes imposed by the Township of Waterloo upon the said lands up to the thirty-first day of December, 1947, and all arrears of taxes on the said thirty-first day of December, 1947, owing on the said lands shall belong to the Corporation of the Township of Waterloo;

3. That the Corporation of the Town of Hespeler shall have the right to collect all the said taxes belonging to the Corporation of the Township of Waterloo and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the Town of Hespeler, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the Town of Hespeler to the Corporation of the Township of Waterloo within six months after the date of collection;

4. That all rights, titles and interests of the Corporation of the Township of Waterloo in any of the said lands including all roads and streets and allowances therefor shall vest, from and after the day fixed for this

Order to take effect as aforesaid, in the Corporation of the Town of Hespeler;

5. That this Order shall take effect only if and when confirmed by Act of the Legislature of the Province of Ontario and on the day named in such Act.

W. P. NEAR,
Vice-Chairman.

Schedule "A"

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Waterloo, in the County of Waterloo and Province of Ontario, and more particularly described as follows, that is to say: FIRST, being composed of part of lot number 8 in the second Concession, part lot number 138, lots number 139, 140, 141, 142, 143, and part of lots number 145, 146, 147, 148, 149, 150 and 153 according to the Registered Plan number 160 and part of Oak Street in the Lower Block of the Township of Waterloo, containing by admeasurement twenty and sixteen hundredths (20.16) acres more or less and which may be more particularly described as follows, that is to say: Commencing in the northerly limit of the said lot at its intersection with the easterly limit of Weaver Street in the Town of Hespeler, according to the Registered Plan number 160 produced south easterly; thence north seventy-six (76) degrees thirty (30) minutes east along the southerly limit of Edward Street and the southerly limit of the Town of Hespeler, eight hundred and thirty-eight and five tenths (838.5) feet; thence south, twelve (12) degrees fifty (50) minutes east, eight hundred and ten and six tenths (810.6) feet; thence south, seventy-seven (77) degrees nineteen (19) minutes west, nine hundred and one and one tenth (901.1) feet; thence north, twelve (12) degrees forty-one (41) minutes west, five hundred and seventy-eight and one tenth (578.1) feet; thence south, seventy-eight (78) degrees two (02) minutes west, six hundred and ninety-four and eight tenths (694.8) feet more or less to the southwest angle of lot number 139 according to the said Plan number 160; thence north, ten (10) degrees west along the easterly limit of Bechtel Street, two hundred (200) feet more or less to the southerly limit of the Town of Hespeler; thence along the same, north seventy-six (76) degrees thirty (30) minutes east, seven hundred and sixty (760) feet more or less to the place of beginning, which lands are now laid out on the plan registered in the Registry Office for the Registry Division of the County of Waterloo as Number 658, and SECOND, being composed of part of Lots number 8 and 9 in the second concession in Richard Beasley's Lower Block in the Township of Waterloo containing forty (40) acres more or less and described as follows: Commencing in the southerly limit of Queen Street in the Town of Hespeler at a stone monument one hundred and thirty-two (132) feet measured westerly along the same from its intersection with the westerly limit of Victoria Street; thence south fifty-two (52) degrees fifteen (15) minutes east along the westerly limit of the Town of Hespeler four hundred and fifty-four and one tenth (454.1) feet; thence along the same south eleven (11) degrees fifteen (15) minutes east, one hundred and thirty-two (132) feet to the southerly limit of the Town of Hespeler and the limit between the said lots number 8 and 9; thence south seventy-six (76) degrees thirty (30) minutes west along the limit between the said lots nine hundred and thirty-six (936) feet more or less to the northwesterly limit of the Galt and Hespeler Highway; thence along the same south forty (40) degrees west, two hundred and eighty-nine (289) feet; thence north sixty (60) degrees west, at right angles to the said Highway seven hundred and eighty-two (782) feet more or less to the southerly limit of the abandoned right of way of the Grand River Railway as described in the Registered Deeds No. 1433 and 26474; thence along the same and the southerly limit of the Hespeler Sewage Disposal Works south fifty-eight (58) degrees one (01) minute west one thousand and

ninety-two (1,092) feet; thence along the same on a curve to the left, with a radius of one thousand one hundred and thirty-one (1,131) feet, one hundred and eighty-five (185) feet more or less to a point one hundred (100) feet measured easterly at right angles from the easterly limit of the road between concessions number 1 and 2; thence north thirteen (13) degrees west, parallel with the easterly limit of the said concession road hundred and sixty-four (164) feet more or less to the southerly bank of the River Speed; thence northeasterly along the same two thousand two hundred and fifty (2,250) feet more or less to the westerly limit of the Town of Hespeler; thence along the same south fifty-two (52) degrees fifteen (15) minutes, east, one thousand and ninety (1,090) feet more or less to the place of beginning.

An Act respecting the Town of
Hespeler.

1st Reading

2nd Reading

3rd Reading

MR. CHAPLIN

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Hespeler.

MR. CHAPLIN

BILL

An Act respecting the Town of Hespeler.

WHEREAS the Corporation of the Town of Hespeler by Preamble.
its petition has prayed for special legislation to confirm
an order of the Ontario Municipal Board annexing parts of the
Township of Waterloo to the Town of Hespeler; and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Order P.F. B-5967 of the Ontario Municipal Board Annexation
order
dated the 25th day of February, 1947, set out as schedule A confirmed.
hereto, is hereby confirmed.

(2) The said order shall be deemed to have come into Effective
date.
effect on the 25th day of February, 1947.

2. The lands annexed to the Town of Hespeler, when added Assessment
and
taxation.
to the assessment rolls of the Town of Hespeler for the year
1947 pursuant to the said order, shall be assessed and all
proceedings shall be taken under *The Assessment Act* as if Rev. Stat.,
c. 272.
the lands had been entered upon the said rolls under the said
Act, and when the assessments thereof have been revised and
confirmed the said lands shall be liable to taxation in the year
1948 at the same rate as other lands in the Town of Hespeler.

3. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

4. This Act may be cited as *The Town of Hespeler Act, 1947.* Short title.

SCHEDULE A

P.F. B-5967

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 25th day of February, A.D. 1947.

BEFORE:

R. S. COLTER, ESQ., K.C.,
Chairman.W. P. NEAR, ESQ., B.A.Sc.,
Vice-Chairman, andW. J. MOORE, ESQ., O.L.S.,
Member.IN THE MATTER of Section 23 of
The Municipal Act (R.S.O. 1937,
Chapter 266), as amended, andIN THE MATTER of the Application
of the Corporation of the Town of
Hespeler for annexation thereto of
certain parts of the Township of
Waterloo.

UPON THE APPLICATION of the Corporation of the Town of Hespeler and upon reading its By-law No. 811 passed on the 16th day of January, A.D. 1947, authorizing an application to this Board to have two parts of the Township of Waterloo annexed to the Town of Hespeler, and upon holding a public hearing at the Court House in the City of Kitchener on Tuesday, the twenty-fifth day of February, A.D. 1947, for the purpose of inquiring into the merits of the application and of hearing any objections which any person might desire to bring to the attention of the Board, and upon being satisfied that notice of such hearing had been given as directed by the Board, and upon hearing what was alleged by G. M. Bray, counsel for the Corporation of the Town of Hespeler,

THE BOARD ORDERS, under and in pursuance of the provisions of section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266) as re-enacted by section 2 of *The Municipal Amendment Act, 1939* (S.O. 1939, Chapter 30) and amended by section 3 of *The Municipal Amendment Act, 1946* (S.O. 1946, Chapter 60), that those parts of the Township of Waterloo, in the County of Waterloo, described in Schedule "A" to this Order, be and the same are hereby annexed to the Town of Hespeler on the following terms:

1. That from and after the day fixed for this Order to take effect by the Act of the Legislature of the Province of Ontario confirming this Order those parts of the said Township of Waterloo hereby annexed to the Town of Hespeler shall be added to the assessment rolls of the Town of Hespeler for the year 1947 upon which taxes will be levied in the year 1948;

2. That all taxes imposed by the Township of Waterloo upon the said lands up to the thirty-first day of December, 1947, and all arrears of taxes on the said thirty-first day of December, 1947, owing on the said lands shall belong to the Corporation of the Township of Waterloo;

3. That the Corporation of the Town of Hespeler shall have the right to collect all the said taxes belonging to the Corporation of the Township of Waterloo and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the Town of Hespeler, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the Town of Hespeler to the Corporation of the Township of Waterloo within six months after the date of collection;

4. That all rights, titles and interests of the Corporation of the Township of Waterloo in any of the said lands including all roads and streets and allowances therefor shall vest, from and after the day fixed for this

Order to take effect as aforesaid, in the Corporation of the Town of Hespeler;

5. That this Order shall take effect only if and when confirmed by Act of the Legislature of the Province of Ontario and on the day named in such Act.

W. P. NEAR,
Vice-Chairman.

Schedule "A"

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Waterloo, in the County of Waterloo and Province of Ontario, and more particularly described as follows, that is to say: FIRST, being composed of part of lot number 8 in the second Concession, part lot number 138, lots number 139, 140, 141, 142, 143, and part of lots number 145, 146, 147, 148, 149, 150 and 153 according to the Registered Plan number 160 and part of Oak Street in the Lower Block of the Township of Waterloo, containing by admeasurement twenty and sixteen hundredths (20.16) acres more or less and which may be more particularly described as follows, that is to say: Commencing in the northerly limit of the said lot at its intersection with the easterly limit of Weaver Street in the Town of Hespeler, according to the Registered Plan number 160 produced south easterly; thence north seventy-six (76) degrees thirty (30) minutes east along the southerly limit of Edward Street and the southerly limit of the Town of Hespeler, eight hundred and thirty-eight and five tenths (838.5) feet; thence south, twelve (12) degrees fifty (50) minutes east, eight hundred and ten and six tenths (810.6) feet; thence south, seventy-seven (77) degrees nineteen (19) minutes west, nine hundred and one and one tenth (901.1) feet; thence north, twelve (12) degrees forty-one (41) minutes west, five hundred and seventy-eight and one tenth (578.1) feet; thence south, seventy-eight (78) degrees two (02) minutes west, six hundred and ninety-four and eight tenths (694.8) feet more or less to the southwest angle of lot number 139 according to the said Plan number 160; thence north, ten (10) degrees west along the easterly limit of Bechtel Street, two hundred (200) feet more or less to the southerly limit of the Town of Hespeler; thence along the same, north seventy-six (76) degrees thirty (30) minutes east, seven hundred and sixty (760) feet more or less to the place of beginning, which lands are now laid out on the plan registered in the Registry Office for the Registry Division of the County of Waterloo as Number 658, and SECOND, being composed of part of Lots number 8 and 9 in the second concession in Richard Beasley's Lower Block in the Township of Waterloo containing forty (40) acres more or less and described as follows: Commencing in the southerly limit of Queen Street in the Town of Hespeler at a stone monument one hundred and thirty-two (132) feet measured westerly along the same from its intersection with the westerly limit of Victoria Street; thence south fifty-two (52) degrees fifteen (15) minutes east along the westerly limit of the Town of Hespeler four hundred and fifty-four and one tenth (454.1) feet; thence along the same south eleven (11) degrees fifteen (15) minutes east, one hundred and thirty-two (132) feet to the southerly limit of the Town of Hespeler and the limit between the said lots number 8 and 9; thence south seventy-six (76) degrees thirty (30) minutes west along the limit between the said lots nine hundred and thirty-six (936) feet more or less to the northwesterly limit of the Galt and Hespeler Highway; thence along the same south forty (40) degrees west, two hundred and eighty-nine (289) feet; thence north sixty (60) degrees west, at right angles to the said Highway seven hundred and eighty-two (782) feet more or less to the southerly limit of the abandoned right of way of the Grand River Railway as described in the Registered Deeds No. 1433 and 26474; thence along the same and the southerly limit of the Hespeler Sewage Disposal Works south fifty-eight (58) degrees one (01) minute west one thousand and

ninety-two (1,092) feet; thence along the same on a curve to the left, with a radius of one thousand one hundred and thirty-one (1,131) feet, one hundred and eighty-five (185) feet more or less to a point one hundred (100) feet measured easterly at right angles from the easterly limit of the road between concessions number 1 and 2; thence north thirteen (13) degrees west, parallel with the easterly limit of the said concession road hundred and sixty-four (164) feet more or less to the southerly bank of the River Speed; thence northeasterly along the same two thousand two hundred and fifty (2,250) feet more or less to the westerly limit of the Town of Hespeler; thence along the same south fifty-two (52) degrees fifteen (15) minutes, east, one thousand and ninety (1,090) feet more or less to the place of beginning.

An Act respecting the Town of
Hespeler.

1st Reading

March 20th, 1947

2nd Reading

March 31st, 1947

3rd Reading

April 2nd, 1947

MR. CHAPLIN

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Woodstock.

MR. DENT

(PRIVATE BILL)

BILL

An Act respecting the City of Woodstock.

WHEREAS the Corporation of the City of Woodstock Preamble.
by its petition has prayed for special legislation in respect of the purchase and operation of the Woodstock Arena and to provide for the issue of debentures for \$28,000 to pay for the same, the proposed by-law with respect to the same having been submitted to the electors of the City on the 9th day of December, 1946, when 1,563 voted in favour and 337 against the said proposed by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Arena by-law authorized.
Board, the council of the Corporation of the City of Woodstock may pass proposed by-law number 2573, set out as schedule A hereto, being a by-law to authorize the purchase by the Corporation of the City of Woodstock of the Woodstock Arena property and equipment from the Arena Company of Woodstock, Limited, and for the operation of the arena as a municipal enterprise, and to provide for borrowing \$28,000 on debentures to pay the purchase price of the arena.

(2) The said proposed by-law number 2573 when duly passed and approved by the Ontario Municipal Board shall be legal, valid and binding upon the Corporation of the City of Woodstock and the ratepayers thereof.

2. This Act shall come into force on the day upon which it Commencement of Act.
receives the Royal Assent.

3. This Act may be cited as *The City of Woodstock Act*, Short title.
1947.

SCHEDULE A

BY-LAW NUMBER 2573

Of the Municipal Council of the Corporation of the City of Woodstock, being a by-law to authorize the purchase by the said Corporation of the Woodstock Arena and adjacent property and equipment from the Arena Company of Woodstock, Limited, and the operation by the said Corporation of same as a Municipal enterprise and to provide for the borrowing of \$28,000.00 on debentures to pay the purchase price of same.

WHEREAS the Arena Company of Woodstock, Limited, a Company duly incorporated under the laws of the Province of Ontario, and having its Head Office in the City of Woodstock, wishes to sell its Arena, equipment and adjacent property;

AND WHEREAS the Municipal Council of the Corporation of the City of Woodstock deems it expedient to purchase and operate the said Arena as a municipal enterprise;

AND WHEREAS the said Arena Company of Woodstock, Limited, has agreed to sell the same to the said Corporation for the sum of \$28,000.00;

AND WHEREAS it will be necessary to borrow the sum of \$28,000.00 on the credit of the said Corporation and to issue debentures of the said Corporation therefor, bearing interest at the rate of four per centum per annum, which amount of \$28,000.00, is the amount of the debt intended to be created by this by-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of ten years, in such amounts respectively that the aggregate amount payable for principal and interest in each year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary to raise the annual sum of \$3,452.10 during the period of ten years to pay the said principal money and interest as they become due;

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last revised assessment roll is \$7,918,104.00;

AND WHEREAS the amount of the existing debenture debt of the said Corporation (exclusive of local improvement debts secured by special rates or assessments) is \$285,489.81, and no part of the principal or interest is in arrears;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of Woodstock as follows:

1. That the Corporation of the City of Woodstock purchase from the Arena Company of Woodstock, Limited, the following lands and premises, namely:

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the City of Woodstock, in the County of Oxford and Province of Ontario, and being composed of Firstly: Parts of Lots Numbers One and Two on the east side of Perry Street, part of Lot Number Three on the south side of Dundas Street and part of Lot Number Two on the north side of Simcoe Street, as laid out on Perry's Survey of the northern part of Lot Number Twenty-one in the First Concession of the Township of East Oxford, more particularly described as follows: Commencing at a point in the eastern limit of Perry Street at a distance of four feet measured northerly from the southwest corner of the said Lot Number Two on the east side of Perry Street; thence easterly parallel to the southern limit of said Lot Number Two, one hundred and ninety-two

feet more or less to the eastern boundary of Lot Number Two on the north side of Simcoe Street; thence northerly along the last mentioned boundary and the eastern boundary of Lot Number Three on the south side of Dundas Street, being also the western boundary of a twelve foot lane, one hundred and twenty-eight feet more or less to the northern boundary of the eastern part of said Lot Number Three on the south side of Dundas Street; thence westerly along this last mentioned boundary sixty-six feet; thence southerly parallel with the eastern boundary of said Lot Three on the south side of Dundas Street, ten feet; thence westerly parallel with the southern boundary of Lot Number Two on the east side of Perry Street, one hundred and twenty feet more or less to the eastern limit of Perry Street; thence southerly along the eastern limit of Perry Street one hundred and eighteen feet more or less to the place of beginning. Subject, however, to a right of way over the northerly ten feet of the eastern part of said Lot Three on the south side of Dundas Street, and Secondly: Being composed of parts of Lots Two and Three on the east side of Perry Street in Perry's Survey in the said City of Woodstock, and better described as follows: Commencing at the southeast angle of said Lot Number Three; thence westerly along the north boundary of Simcoe Street fifty feet; thence northerly parallel to the easterly boundary of said Lots Numbers Two and Three, seventy feet; thence easterly parallel to Simcoe Street to the easterly boundary of said Lots Numbers Two and Three; thence southerly along the easterly boundary of said Lots Two and Three, seventy feet to the place of beginning.

TOGETHER with all the buildings and the appurtenances now erected thereon and all the equipment, fixtures, fittings, machinery, tools, furniture, supplies and effects now contained in the said Arena building, for the sum of \$28,000.00.

2. That the said Corporation may manage and operate the property, Arena and equipment, aforesaid, known as the Woodstock Arena, as its Municipal Council may direct.

3. That the said sum of \$28,000.00 shall be used and expended for the purchase of same as aforesaid and for the said purpose there shall be borrowed on the credit of the said Corporation at large the sum of \$28,000.00 and debentures of the said Corporation shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of four per centum per annum and having interest coupons attached thereto for the payment of interest.

4. That the said debentures shall each bear the same date and shall be issued within two years from the day on which this by-law is passed and shall be dated on the day of issue thereof and may bear any date within such two years and the said debentures shall be payable in ten annual instalments of the respective sums set forth in Schedule "A" hereto attached.

5. That the said debentures as to both principal and interest shall be expressed in Canadian Currency. /

6. That the Mayor of the said Corporation shall sign and issue the said debentures and interest coupons and the same shall also be signed by the Treasurer of the said Corporation and the said debentures shall be sealed with the seal of the said Corporation.

7. That during the ten years, the currency of the said debentures, the sum of \$3,452.10, shall be raised annually for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in Schedule "A" hereto attached and shall be levied and raised annually on all rateable property in the Municipality.

8. That the debentures may contain any clause providing for the registration or redemption thereof, authorized by any Statute relating to municipal debentures at the time of issue thereof.

9. That the debentures issued under this by-law shall be redeemable at the option of the said Corporation at the office of the Treasurer of the said Corporation at the said City of Woodstock on any date prior to maturity of the said debentures at the redeemable price of one hundred

per centum of their face value together with accrued interest to the date set for redemption and such place of payment and such value at which such debenture may be so redeemed is to be specified in every debenture; provided that if only a portion of the debentures is to be redeemed the debentures to be redeemed shall be redeemed in reverse order of maturity and provided further that if part only of the debentures of any maturity is to be redeemed the debentures to be redeemed shall be selected by lot by the Treasurer of the said City in such manner as he shall consider equitable; from and after the date set for redemption, interest on the debentures shall cease to accrue and the debentures shall become due and payable on such date; Notice of the intention to redeem the said debentures shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book and notice of the intention to redeem the said debentures shall be advertised by the said Corporation in the newspaper published in the said City of Woodstock and in the Ontario Gazette and such advertisement shall appear in the newspaper and the Ontario Gazette at least thirty days prior to the date fixed for redemption; such advertisement shall specify the date set for such redemption, the price of redemption and the redemption price thereof and shall state that from and after the date set for such redemption the interest on the debentures shall cease to accrue and that the debentures shall become due and payable on such date; the debentures when redemption takes place as aforesaid shall be cancelled forthwith.

10. That this by-law shall come into force and take effect on the day of the passing thereof subject to its being approved by the Ontario Municipal Board and to its being assented to by the electors.

READ a first time this 12th day of November, 1946.

READ a second time this 12th day of November, 1946.

(Signed) CHARLES BURSTON,
Mayor.

(Signed) A. B. LEE,
Clerk.

READ a third time and passed this day of , 1947.

Mayor.

Clerk.

Schedule "A"

Principal	Interest	Total
\$ 2,332.10	\$1,120.00	\$ 3,452.10
2,425.40	1,026.70	3,452.10
2,522.44	929.66	3,452.10
2,623.34	828.76	3,452.10
2,728.28	723.82	3,452.10
2,837.41	614.69	3,452.10
2,950.93	501.17	3,452.10
3,068.97	383.13	3,452.10
3,191.73	260.37	3,452.10
3,319.40	132.70	3,452.10
<u>\$28,000.00</u>	<u>\$6,521.00</u>	<u>\$34,521.00</u>

An Act respecting the City of
Woodstock.

1st Reading

2nd Reading

3rd Reading

MR. DENT

(*Private Bill*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Simcoe.

MR. MARTIN (Haldimand-Norfolk)

(PRIVATE BILL)

BILL

An Act respecting the Town of Simcoe.

WHEREAS the Corporation of the Town of Simcoe Preamble.
by its petition has prayed for special legislation in
respect of the several matters hereinafter set forth; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The purchase by the Corporation of the Town of
Simcoe of part of Lots Nos. 1 and 2 both of the 14th Concession
of the Township of Windham in the County of Norfolk
containing 90 acres of land more or less and more particularly
described in Deed No. 195698 of the Norfolk Registry Office
is hereby ratified and confirmed and the title to the said lands
vested in fee simple in the Corporation of the Town of Simcoe
and the subsequent leasing of the same by the Department
of National Defence and all dealings by the Corporation of the
Town of Simcoe with His Majesty the King in right of
Canada and with the Department of National Defence
regarding the same are hereby declared to have been legal,
valid and binding upon the said Corporation of the Town of
Simcoe and the ratepayers thereof.

Purchase of
parts of
Lots 1,
14th Con.
Windham
Twp.,
confirmed.

(2) The said Corporation shall have power to sell, lease,
convey and contract in regard to the said lands and every part
thereof and any sales, leases, conveyances and contracts
heretofore made of any parts of such lands are hereby ratified,
confirmed and declared to have been legal, valid and binding.

Power to
sell, etc.

2. The lands hereinafter described are hereby detached from
the Township of Windham in the County of Norfolk and
annexed to the Town of Simcoe and shall form part of the
Town of Simcoe for all purposes effective on and from the
1st day of January, 1947, namely:

Parts of
Windham
Twp.
annexed to
Town.

1. Parts of Lots Nos. 1 and 2 in the Fourteenth Concession of the Township of Windham, in the County of Norfolk, containing 90 acres of land, more or less, exclusive of the parts of the herein described parcel covered by the waters of the Upper Mill Pond, Davis Creek and Patterson Creek, which said parcel or tract of

land may be more particularly described as follows: Commencing at a point where the westerly limit of said Lot No. 2 is intersected by the southerly limit of said railway lands, be the distance what it may, to the westerly boundary of the Corporation of the Town of Simcoe, as shown on a plan of said Town registered in the Registry Office for the County of Norfolk as Plan No. 182; thence southerly and westerly along said Corporation boundary, be the distance what it may, to the northwesterly angle of Block No. 9, as shown on said Plan No. 182; thence continuing westerly along the southerly bank of Patterson's Creek, be the distance what it may, to the westerly limit of said Lot. No. 2; thence northerly along said westerly limit, be the distance what it may, to the place of beginning.

2. A part of Lot No. 1 in the Fourteenth Concession of the said Township of Windham containing 20 acres, more or less, and more particularly described as follows: Commencing in the easterly side line of said lot at the south-easterly angle of Lot No. 10 as shown on a plan of the Village of Colborne, registered in the Registry Office for the County of Norfolk as Plan No. 57B; thence bounding on the southerly side of said Lot. No. 10 for the following courses and distances, south seventy-eight degrees and thirty minutes west eleven chains and forty-seven links; thence south thirty degrees and thirty minutes west two chains and fifty-seven links; thence south thirty-five degrees and thirty minutes west one chain; thence south nineteen degrees and thirty-seven minutes west eighty-seven links; thence south eighty-five degrees and forty-five minutes west eighty-four links to a stake set eight links westerly of the west side of "Beemer's Brook"; then parallel to said brook downstream maintaining said distance of eight links therefrom westerly four chains and sixty links, more or less, to the easterly side of Davis Creek downstream, be the distance what it may, to the present Corporation boundary of the Town of Simcoe, as shown on a plan registered in the Registry Office as Plan No. 182; thence easterly along said Corporation boundary being also the centre line of Davis Street as shown on said plan, be the distance what it may, to the easterly limit of King's Highway No. 24, being also the westerly limit of Lot No. 1 in the Fourteenth Concession of the Township of Townsend; thence northerly along said westerly limit of said lot, be the distance what it may, to a point distant nine hundred and seventy-seven and fifty-six/one hundredths feet measured northerly along said westerly limit of said lot from the northwest angle of the south half of said Lot No. 1 in the Fourteenth Concession of said Township of Townsend; thence westerly at right angles to said westerly limit sixty-six feet, more or less, to the westerly limit of King's Highway No. 24, being also the easterly limit of Lot No. 1 in the Fourteenth Concession of the Township of Windham; thence northerly along said easterly limit of said lot, be the distance what it may, to the place of beginning.

Parts of
Townsend
Twp.
annexed
to Town.

3. The lands hereinafter described are hereby detached from the Township of Townsend in the County of Norfolk and annexed to the Town of Simcoe and shall form part of the Town of Simcoe for all purposes effective on and from the 1st day of January, 1947, namely:

1. A part of Lot No. 1 in the Fourteenth Concession of the Township of Townsend, in the County of Norfolk, containing 15 acres, more or less, and more particularly described as follows: Commencing in the westerly limit of said lot and the easterly limit of King's Highway No. 24 at a point distant nine hundred and seventy-seven and fifty-six/one hundredths feet measured northerly along said westerly limit from the

northwest angle of the south half of said lot; thence north seventy-seven degrees and fifty minutes east, parallel to and distant ten feet measured northerly at right angles from the northerly limit of lands described in Registered Instrument No. 176314 of the Norfolk Registry Office, be the distance what it may, to the westerly limit of the lands of the Lake Erie and Northern Railway Company; thence southerly along said westerly limit, be the distance what it may, to the southerly limit of the lands of the Canadian National Railway Company; thence westerly along said southerly limit, be the distance what it may, to the north-easterly angle of Lot No. 9 in Block No. 35, as shown on a plan of the Corporation of the Town of Simcoe, registered in the Registry Office for the County of Norfolk as Plan No. 182; thence continuing westerly along said southerly limit of said Railway lands and the present Corporation boundary of the Town of Simcoe, be the distance what it may, to the north-westerly angle of Lot No. 7 as shown on said Plan No. 182; thence northerly along said Corporation boundary, be the distance what it may, to the northeasterly angle of Block No. 34, as shown on said Plan No. 182; thence westerly along said Corporation boundary, be the distance what it may, to the easterly limit of King's Highway No. 24; thence northerly along said easterly limit, be the distance what it may, to the place of beginning.

4. The lands hereinafter described are hereby detached from the Township of Woodhouse in the County of Norfolk and annexed to the Town of Simcoe and shall form part of the Town of Simcoe for all purposes effective on and from the 1st day of January, 1947, namely:

Parts of
Woodhouse
and Towns-
end Twps.
annexed
to Town.

1. A part of Lots 12 and 13 in the Gore of the Township of Woodhouse, in the County of Norfolk, containing $15\frac{1}{2}$ acres, more or less, and more particularly described as follows: Commencing at the northwesterly angle of Block 97A as shown on a plan of the Town of Simcoe, registered in the Registry Office for the County of Norfolk as Plan No. 182; thence westerly along the westerly production of the southerly limit of West Street, as shown on said plan, two hundred and forty-one and one-tenth feet, more or less, to the easterly limit of a given road running southerly across Lot No. 13; thence southerly along said easterly limit, and the southerly production thereof, nineteen hundred and thirty-two feet, more or less, to the production westerly of the southerly Corporation boundary of the Town of Simcoe; thence easterly along said westerly production of said corporation boundary two hundred and thirty-four and eight-tenths feet, more or less, to an angle in the said Corporation boundary; thence northerly along said Corporation boundary nineteen hundred and twenty-nine feet, more or less, to the place of beginning.
2. A part of Lot No. 1 in the Sixth Concession of the Township of Woodhouse containing 29 acres, more or less, and being all of that part of said Lot shown on a Plan entitled "Simcoe Heights", being a plan of Subdivision registered in Norfolk Registry Office as Plan 191, save and except Lot No. 36 shown on said Plan.
3. Part of Lot No. 1 in the Sixth Concession of the said Township of Woodhouse containing 5 acres, more or less, and being all the lands shown on a Plan of Subdivision entitled "Osborne Gardens" registered in Norfolk Registry Office as Plan 148 which lie east of the present easterly Corporation boundary of the Town of Simcoe.
4. A part of Lot No. 1 in the Fifth Concession of the said Township of Woodhouse containing $9\frac{3}{10}$ acres, more or less, and more particularly described as follows: Commencing at a point

where the southerly limit of Victoria Street, as shown on a plan prepared by Roger M. Lee, Ontario Land Surveyor, dated the 8th day of August, 1924, and registered in the Registry Office for the County of Norfolk as Plan No. 137, is intersected by the present easterly boundary of the Corporation of the Town of Simcoe; thence easterly along the said southerly limit of Victoria St., as shown on said plan, and continuing along the southerly limit of Victoria St., as shown on a plan prepared by W. H. Fairchild, Ontario Land Surveyor, dated the first day of March, 1913, and registered in the Registry Office for the County of Norfolk as Plan No. 85B, be the distance what it may, to the westerly limit of Potts Road, as shown on said Plan No. 85B; thence southerly along said westerly limit, be the distance what it may, to the northerly limit of Patterson Street, as shown on said Plan No. 85B; thence westerly along said northerly limit of Patterson Street, as shown on said above-mentioned Plan 137, be the distance what it may, to the present easterly boundary of the Corporation of the Town of Simcoe; thence northerly along said Corporation boundary, be the distance what it may, to the place of beginning.

5. A part of Lot No. 1 in the Fourteenth Concession of the said Township of Townsend containing 8 acres, more or less, and more particularly described as follows: Commencing at the northeasterly angle of Lot No. 9 in Block No. 35, all as shown on a plan of the Corporation of the Town of Simcoe registered in the Registry Office for the County of Norfolk as Plan No. 182, said point of commencement being also in the southerly limit of the lands of the Canadian National Railway; thence easterly along said southerly limit of said railway lands, be the distance what it may, to the westerly limit of the lands of the Lake Erie and Northern Railway; thence southerly along said westerly limit of said last mentioned railway lands, be the distance what it may, to the Corporation boundary of the Town of Simcoe, as shown on the above-mentioned Plan No. 182, said Corporation boundary being also the northerly limit of King's Highway No. 3; thence westerly, north-westerly and northerly along said Corporation boundary, following the northerly limit of said Highway, the centre line of Patterson's Creek, the easterly limit of Bank Street, the northerly limit of Station Street and the easterly limit of Lot No. 9 in Block No. 35, all as shown on said Plan No. 182, be the distance what it may, to the place of beginning.
6. Part of Lot No. 1 in the Fifth Concession of the said Township of Woodhouse containing 16 $\frac{6}{10}$ acres, more or less, and more particularly described as follows: Commencing at the southeasterly angle of Block No. 127(a), as shown on a plan of the Town of Simcoe, registered in the Registry Office as Plan No. 182; thence easterly along the southerly limit of said Block No. 127(a) and the same produced easterly, be the distance what it may, to the westerly limit of the lands of the Lake Erie and Northern Railway Company; thence southerly along said westerly limit of said Railway lands, be the distance what it may, to the northeasterly limit of the lands of the Canadian National Railway; thence northwesterly along said northeasterly limit of said Railway lands, be the distance what it may, to the easterly limit of Block No. 132, as shown on said Registered Plan No. 182; thence northerly along said easterly limit and the easterly limit of Owen Street, as shown on said Plan No. 182, be the distance what it may, to the place of beginning.

Assessment
and taxation
of annexed
lands.

5. The lands annexed to the Town of Simcoe by this Act shall, when added to the assessment rolls of the Town of Simcoe for the year 1947, be assessed and all proceedings taken under *The Assessment Act* as if the lands had been

entered upon the said rolls under the said Act and when the assessments thereof have been revised and confirmed the said lands shall be liable to taxation for the year 1947 at the same rate as other lands in the Town of Simcoe.

6. All rights, titles and interests of the Corporations of the Townships of Windham, Townsend and Woodhouse, respectively, in any of the lands annexed to the Town of Simcoe by this Act including all roads and allowances therefor shall vest from and after the 1st day of January, 1947, in the Corporation of the Town of Simcoe.

Rights to
annexed
lands vested
in Town.

7.—(1) The purchase by the Corporation of the Town of Simcoe from War Assets Corporation Limited of the buildings, plant and equipment erected and installed by the Department of National Defence on part of Lots Nos. 1 and 2 in the 14th Concession of the Township of Windham in the County of Norfolk more particularly described in Deed No. 195698 in the Norfolk Registry Office for the sum of \$35,426 is hereby ratified and confirmed and the Corporation is hereby declared to have been legally entitled to effect the said purchase and the said Corporation is hereby authorized and empowered to raise or borrow the said sum required for such purchase by the issuance and sale of debentures of the Corporation of the Town of Simcoe.

Purchase of
buildings
from War
Assets Corp.
Ltd. con-
firmed;
debentures
authorized.

(2) The Corporation of the Town of Simcoe is hereby authorized and empowered to sell, lease or otherwise dispose of the said buildings, plant and equipment, as the council of the Corporation may see fit, in accordance nevertheless with the conditions imposed by War Assets Corporation Limited regarding such sale, lease or disposition.

Power to
sell build-
ings, etc.

8.—(1) By-law No. 1098 of the Corporation of the Town of Simcoe, being a by-law to provide for borrowing \$45,000 to be applied toward the cost of erecting an artificial ice arena on the Market Square in the Town of Simcoe, is hereby confirmed and declared to be a legal, valid and existing by-law of the Corporation and the debentures which may hereafter be issued thereunder shall from the date of such issue be valid and binding upon the Corporation and the ratepayers thereof.

Arena
by-law and
debentures
validated.

(2) The general management, regulation and control of the said artificial ice arena shall be vested in a commission to be known as the Simcoe Arena Commission to be appointed by the council of the Corporation of the Town of Simcoe each year, such Commission to consist of five members, three of whom shall be members of the council and two of whom shall be ratepayers of the Town of Simcoe but not members of the council.

Manage-
ment of
arena.

Provision
for annexa-
tion of lands
in Wood-
house Twp.

9. The lands hereinafter described shall be annexed to the Town of Simcoe and shall form part of the Town of Simcoe for all purposes effective when the majority of the land-owners in the area hereinafter described petition for such annexation and such annexation shall be sufficiently evidenced by order of the Lieutenant-Governor in Council certifying the same, namely:

1. Part of Lots Nos. 13, 14 and 15 in the Gore of the Township of Woodhouse, in the County of Norfolk, containing an area of 60 acres, more or less, and described as follows: Commencing at the northwesterly angle of Block No. 97A, as shown on a Plan of the Town of Simcoe, registered in the Registry Office for the County of Norfolk as Plan No. 182; thence westerly along the westerly production of the southerly limit of West Street, as shown on said plan, two hundred and forty-one and one-tenth feet, more or less, to the easterly limit of a given road running southerly across said Lot No. 13; thence northerly along the northerly production of the easterly limit of said given road, be the distance what it may, to the northerly limit of the Norfolk County Road running westerly from the westerly end of West Street; thence westerly along said northerly limit of said County Road, be the distance what it may, to the westerly limit of said Lot No. 14; thence northerly along said westerly limit of said Lot No. 14 and the westerly limit of Lot No. 15, be the distance what it may, to the northwesterly production of the southwesterly limit of Cedar Street, as shown on said Plan No. 182; thence southeasterly along said northwesterly production and southwesterly limit of Cedar Street, be the distance what it may, to the present Corporation boundary of the Town of Simcoe; thence southerly, along said Corporation boundary, be the distance what it may, to the place of beginning.

Market
Square.

10. The Corporation of the Town of Simcoe is hereby declared to be the owner of the Market Square in said Town in fee simple free from all restrictions and limitations as to the user and disposal thereof.

Times final
for return
of assessment
roll, etc.,
in 1947.

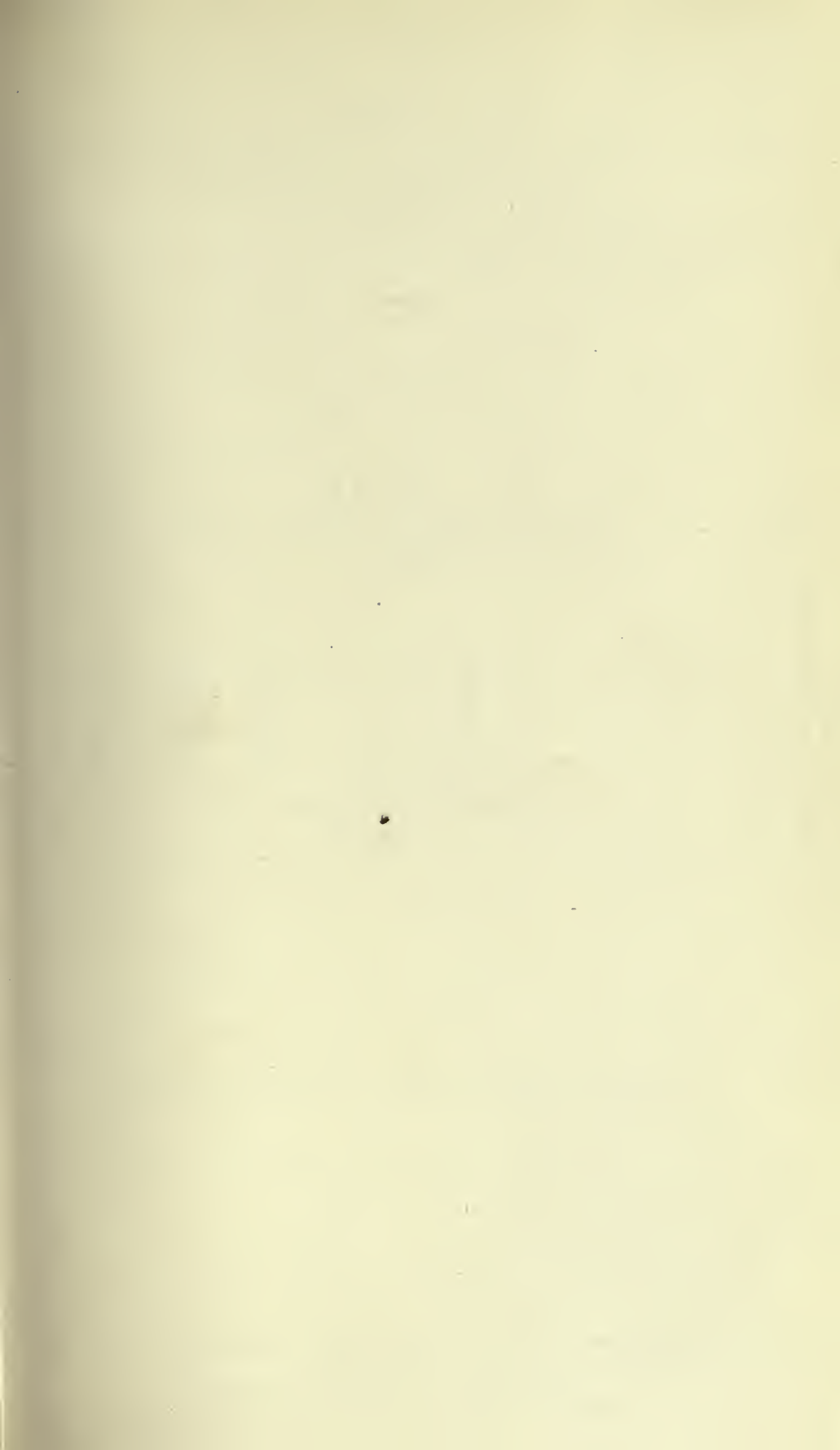
11. The return of the assessment roll of the Town of Simcoe to the clerk on the 31st day of January, 1947, is hereby declared to have been legal, valid and binding and the time for closing the court of revision shall be the 31st day of March, 1947, and for the final return by the county judge the 31st day of April, 1947, and the assessment roll when so completed shall be the assessment on which the rate of taxation for the year 1947 shall be fixed and levied.

Commence-
ment of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

13. This Act may be cited as *The Town of Simcoe Act, 1947*.



An Act respecting the Town of Simcoe.

1st Reading

2nd Reading

3rd Reading

MR. MARTIN (Haldimand-Norfolk)

(Private Bill)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Simcoe.

MR. MARTIN (Haldimand-Norfolk)

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting the Town of Simcoe.

WHEREAS the Corporation of the Town of Simcoe Preamble.
by its petition has prayed for special legislation in
respect of the several matters hereinafter set forth; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The purchase by the Corporation of the Town of Purchase of
parts of
Lots 1, 2,
14th Con.
Windham
Twp.,
confirmed.
Simcoe of part of Lots Nos. 1 and 2 both of the 14th Concession
of the Township of Windham in the County of Norfolk
containing 90 acres of land more or less and more particularly
described in Deed No. 195698 of the Norfolk Registry Office
is hereby ratified and confirmed and the title to the said lands
vested in fee simple in the Corporation of the Town of Simcoe
and the subsequent leasing of the same by the Department
of National Defence and all dealings by the Corporation of the
Town of Simcoe with His Majesty the King in right of
Canada and with the Department of National Defence
regarding the same are hereby declared to have been legal,
valid and binding upon the said Corporation of the Town of
Simcoe and the ratepayers thereof.

(2) The said Corporation shall have power to sell, lease, Power to
sell, etc.
convey and contract in regard to the said lands and every part
thereof and any sales, leases, conveyances and contracts
heretofore made of any parts of such lands are hereby ratified,
confirmed and declared to have been legal, valid and binding.

2.—(1) The purchase by the Corporation of the Town of Purchase of
buildings
from War
Assets Corp.
Ltd. con-
firmed;
debentures
authorized.
Simcoe from War Assets Corporation Limited of the buildings,
plant and equipment erected and installed by the Department
of National Defence on part of Lots Nos. 1 and 2 in the 14th
Concession of the Township of Windham in the County of
Norfolk more particularly described in Deed No. 195698 in
the Norfolk Registry Office for the sum of \$35,426 is hereby
ratified and confirmed and the Corporation is hereby declared
to have been legally entitled to effect the said purchase and the

said Corporation is hereby authorized and empowered, subject to the approval of the Ontario Municipal Board, to raise or borrow the said sum required for such purchase by the issuance and sale of debentures of the Corporation of the Town of Simcoe.

Power to
sell build-
ings, etc.

(2) The Corporation of the Town of Simcoe is hereby authorized and empowered to sell, lease or otherwise dispose of the said buildings, plant and equipment, as the council of the Corporation may see fit, in accordance nevertheless with the conditions imposed by War Assets Corporation Limited regarding such sale, lease or disposition.

Market
Square.

Proviso.

3. The Corporation of the Town of Simcoe is hereby declared to be the owner of the Market Square in said Town in fee simple free from all restrictions and limitations as to the user and disposal thereof, provided that its use shall not be changed until the electors assent to its use for other purposes.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Town of Simcoe Act, 1947*.

An Act respecting the Town of Simcoe.

1st Reading

March 13th, 1947

2nd Reading

3rd Reading

MR. MARTIN (Haldimand-Norfolk)

*(Reprinted as amended by the Committee on
Private Bills.)*

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Town of Simcoe.

MR. MARTIN (Haldimand-Norfolk)

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Simcoe.

WHEREAS the Corporation of the Town of Simcoe Preamble.
by its petition has prayed for special legislation in
respect of the several matters hereinafter set forth; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The purchase by the Corporation of the Town of Purchase of
parts of
Lots 1, 2,
14th Con.
Windham
Twp.,
confirmed.
Simcoe of part of Lots Nos. 1 and 2 both of the 14th Concession
of the Township of Windham in the County of Norfolk
containing 90 acres of land more or less and more particularly
described in Deed No. 195698 of the Norfolk Registry Office
is hereby ratified and confirmed and the title to the said lands
vested in fee simple in the Corporation of the Town of Simcoe
and the subsequent leasing of the same by the Department
of National Defence and all dealings by the Corporation of the
Town of Simcoe with His Majesty the King in right of
Canada and with the Department of National Defence
regarding the same are hereby declared to have been legal,
valid and binding upon the said Corporation of the Town of
Simcoe and the ratepayers thereof.

(2) The said Corporation shall have power to sell, lease, Power to
sell, etc.
convey and contract in regard to the said lands and every part
thereof and any sales, leases, conveyances and contracts
heretofore made of any parts of such lands are hereby ratified,
confirmed and declared to have been legal, valid and binding.

2.—(1) The purchase by the Corporation of the Town of Purchase of
buildings
from War
Assets Corp.
Ltd. con-
firmed;
debentures
authorized.
Simcoe from War Assets Corporation Limited of the buildings,
plant and equipment erected and installed by the Department
of National Defence on part of Lots Nos. 1 and 2 in the 14th
Concession of the Township of Windham in the County of
Norfolk more particularly described in Deed No. 195698 in
the Norfolk Registry Office for the sum of \$35,426 is hereby
ratified and confirmed and the Corporation is hereby declared
to have been legally entitled to effect the said purchase and the

said Corporation is hereby authorized and empowered, subject to the approval of the Ontario Municipal Board, to raise or borrow the said sum required for such purchase by the issuance and sale of debentures of the Corporation of the Town of Simcoe.

Power to
sell build-
ings, etc.

(2) The Corporation of the Town of Simcoe is hereby authorized and empowered to sell, lease or otherwise dispose of the said buildings, plant and equipment, as the council of the Corporation may see fit, in accordance nevertheless with the conditions imposed by War Assets Corporation Limited regarding such sale, lease or disposition.

Market
Square.

Proviso.

3. The Corporation of the Town of Simcoe is hereby declared to be the owner of the Market Square in said Town in fee simple free from all restrictions and limitations as to the user and disposal thereof, provided that its use shall not be changed until the electors assent to its use for other purposes.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Town of Simcoe Act, 1947*.

An Act respecting the Town of Simcoe.

1st Reading

March 13th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. MARTIN (Haldimand-Norfolk)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to admit Ernest Melville Carefoot to the Practice of Medicine.

MR. WILSON

(PRIVATE BILL)

BILL

An Act to admit Ernest Melville Carefoot to the Practice of Medicine.

WHEREAS Ernest Melville Carefoot by his petition Preamble. has represented that he graduated from the School of Medicine of Queen's University, Kingston, Ontario, in 1914 with the degree of bachelor of medicine and that he is further qualified to practise medicine by reason of post graduate studies in England, Scotland and Germany; and whereas the petitioner has further represented that by long study and experimentation he has developed a method of diagnosis and treatment by which many hundreds of persons profess to have been successfully diagnosed and cured of serious ailments; and whereas it is in the interests of humanity that any system of diagnosis and treatment which may aid human suffering be available to the public; and whereas the petitioner has prayed that an Act be passed which will empower him to practise medicine in Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ernest Melville Carefoot of the City of Belleville in the County of Hastings, Bachelor of Medicine, is hereby authorized to practise medicine and the Council of The College of Physicians and Surgeons of Ontario shall register the said Ernest Melville Carefoot as a legally qualified medical practitioner under *The Medical Act*. E. M. Carefoot, M.B., authorized to practise medicine.
Rev. Stat., c. 225.

2. This Act may be cited as *The E. M. Carefoot Act, 1947*. Short title.

An Act to admit Ernest Melville Carefoot
to the Practice of Medicine.

1st Reading

2nd Reading

3rd Reading

MR. WILSON

(*Private Bill*)

No. 30

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the City of Brantford.

MR. DYE

(PRIVATE BILL)

BILL

An Act respecting the City of Brantford.

WHEREAS the Corporation of the City of Brantford by Preamble.
its petition has prayed for special legislation to
authorize it to engage in the business of buying, processing,
distributing and selling milk and milk products and to acquire
by purchase or expropriation the undertaking of any person
engaged in such business in the City of Brantford, and to
prohibit others from engaging in similar businesses in the
said City; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The Corporation of the City of Brantford may Power to
engage in the business of buying, processing, distributing and engage in
selling milk and milk products. the milk
business.

(2) The Corporation of the City of Brantford may acquire, Power to
by purchase or expropriation in the manner provided in acquire
The Municipal Act, the land, property, assets and undertaking may be
of any person now engaged in the business of buying, process- milk
ing, distributing and selling milk and milk products in the businesses.
said City.

(3) The exercise of any of the powers granted to the When
Corporation of the City of Brantford by this section shall be powers
conditional upon the passage of an enabling by-law in that may be
behalf, assented to on or before the 31st day of December, exercised.
1949, by the electors of the said City qualified to vote on
money by-laws.

2.—(1) The Corporation of the City of Brantford may Power to
acquire land, erect buildings, establish, conduct and maintain acquire land,
depots, stores, warehouses and yards and purchase machinery, buildings,
plant, appliances and equipment, necessary for the purposes equipment,
of any business engaged in or acquired under section 1. etc.

Manage-
ment.

(2) The Corporation of the City of Brantford may appoint The Public Utilities Commission of the City of Brantford or such officers, clerks or servants as it may deem necessary or advisable to manage any business engaged in or acquired under section 1.

Power to
issue
debentures.

3. Subject to the assent of the electors of the City of Brantford qualified to vote on money by-laws and to the approval of the Ontario Municipal Board, the Corporation of the City of Brantford may borrow from time to time by the issue of debentures or otherwise such sums of moneys as may be necessary for the carrying out of any of the purposes of this Act.

New milk
businesses
prohibited.

4.—(1) No person shall engage in the business of buying, processing, distributing and selling milk and milk products in the City of Brantford, other than those now engaged in such business in the said City, until the 31st day of December, 1949, or while the Corporation of the City of Brantford is engaged in such business.

Re-entering
milk busi-
ness pro-
hibited.

(2) No person whose undertaking has been purchased or expropriated under this Act shall engage in the business of buying, processing, distributing and selling milk and milk products in the City of Brantford while the Corporation of the City of Brantford is engaged in such business.

Power to
restrain
by action.

5. If any provision of this Act is contravened by any person, such contravention may be restrained by action at the instance of the Corporation of the City of Brantford.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The City of Brantford Act, 1947*.

An Act respecting the City of Brantford.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. DYE

(*Private Bill*)

No. 31

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Securities Act, 1947.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

An important feature of the Bill is that the Toronto Stock Exchange, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario (the formation of which is proposed by Bill No. 32) will have a voice in who shall be permitted to engage in the sale of securities in the Province of Ontario. This is accomplished as follows,—

(a) a person or company who is a member of a stock exchange in Ontario may be granted registration by the Ontario Securities Commission as a broker and is then permitted to trade in securities in the capacity of an agent;

(b) a person or company who is a member, branch office member or associate member of the Central District of the Investment Dealers' Association of Canada may be granted registration by the Commission as an investment dealer and is then permitted to trade in securities in the capacity of an agent or principal;

(c) a person or company who is a member of the Broker-Dealers' Association of Ontario may be granted registration by the Commission as a broker-dealer and is then permitted to trade in securities in the capacity of an agent or principal.

However, provision is made whereby the Commission may grant registration as a broker, investment dealer or broker-dealer without the necessity of membership in one of the aforementioned bodies. This will allow a person or company who has been refused membership in any of the aforementioned bodies due to discrimination, injustice, etc., to obtain registration from the Commission as a broker, investment dealer or broker-dealer. It will also allow a person or company in the Province of Ontario who is a member of a stock exchange outside of the Province of Ontario to obtain registration as a broker from the Commission.

It is noteworthy that no change from the present Act has been made in the case of a company which wishes to engage in the primary distribution to the public of its own securities. It may be granted permission to do so by obtaining registration as a security issuer with the Commission.

In addition, registration as a sub-broker-dealer may be granted by the Commission to an individual who is retired from active business or who, as incidental to his principal occupation, wishes to trade in securities for a part of his time as a correspondent of any investment dealers or broker-dealers or both.

Another important feature of the Bill is that the Toronto Stock Exchange, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario will have ample opportunity to supervise and discipline their own members. This is accomplished as follows,—

(a) a suspension or cancellation of membership in any of the aforementioned bodies will result in a suspension or cancellation of registration as a broker, investment dealer or broker-dealer by the Commission, subject to the right of the Commission to restore such registration without the necessity of membership in any of the bodies if the suspension or cancellation of such membership appears to the Commission to be unjust;

(b) the examination of the financial affairs of members of the aforementioned bodies will be their own responsibility as provided by their respective by-laws, rules or regulations which must be satisfactory to the Commission but the Commission retains the right to make an examination of the financial affairs of such members at any time.

Specifically, the principal changes from the present Act which are incorporated in the Bill are,—

(a) the definitions of broker (section 1 (a)), investment dealer (section 1 (h)), broker-dealer (section 1 (b)), sub-broker-dealer (section 1 (s)), security issuer (section 1 (r)), investment counsel (section 1 (g)) and salesman (section 1 (p)) and provision for the registration of such (section 6);

(b) the definitions of mining company (section 1 (i)), industrial company (section 1 (e)) and investment company (section 1 (f)) and revised requirements in respect of the contents of the prospectuses, financial statements and reports relating to such companies filed with the Commission (sections 43, 44 and 45);

(c) provision for the auditing of the financial affairs of members of stock exchanges, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario as provided in their respective by-laws, rules or regulations which shall be satisfactory to the Commission (section 39);

(d) inclusion and expansion of the provisions of the present Prospecting Syndicate Agreements Act (section 42) and a new exemption from registration in respect of the sale of the units of a prospecting syndicate (section 19 (2) (o));

(e) provision for the delivery of the prospectus, financial statements and reports before entering into a contract for the sale of a security where a solicitation has been made, and at any time not later than the delivery of the written confirmation of the sale of a security where no solicitation has been made (section 52) subject to a right of rescission of the contract by the purchaser within seven days of the date of the delivery of the prospectus, etc., where such material has been delivered too late for compliance but within sixty days of the date of the delivery of the written confirmation, or, alternatively, subject to a right of rescission of the contract by the purchaser within sixty days of the date of the delivery of the written confirmation where the prospectus, etc., has not been delivered (section 53);

(f) provisions making company directors, promoters, etc., liable for any loss or damage sustained by any purchaser of securities if any material false statement is contained in the prospectus, financial statements or reports relating to such securities, accepted for filing by the Commission, whether the purchaser has received such prospectus, etc., or not (section 73).

In addition improvements in and clarification of the present Act have been effected in such matters as alterations in language in the definition section (section 1 (j-l, t)); the elimination of repetition throughout the Bill by the use of the expression "a person or company registered for trading in securities under this Act" and "a person or company registered under this Act"; the division of the Bill into parts; provision for the designation of a Vice-Chairman of the Commission who shall perform the powers and duties of the Chairman in his absence (sections 2, 3); provision for the appointment of experts by the Commission and for their remuneration (section 13); changes in the provisions relating to registration and exemption from registration to make them more practicable (sections 9, 12, 15, 18, 19); designation of the types of bond which are acceptable on an application for registration (section 10); expansion of and changes in the provisions relating to the forfeiture of bond (sections 21 (2, 3), 22, 24, 25); expansion of the provisions relating to appeals to permit an appeal by a company as well as a person (sections 33-35); decreasing the exemptions from filing prospectuses, financial statements and reports to afford greater protection to the purchasers of securities (section 46 (a)); alterations in language in the interests of clarification (sections 57 (2), 58 (2, 3), 61, 64); taking away from stock exchanges, executive committees and members thereof and brokers' auditors immunity from legal action in respect of audits.

The sections above referred to are intended as examples only and not as a comprehensive list of the changes involved.

In the interests of clarity and convenience, a consolidating rather than an amending Bill is accordingly desirable.

BILL

The Securities Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "broker" shall mean any person or company, trading in securities in the capacity of an agent, who is a member of a stock exchange in Ontario and such other person or company, trading in securities in the capacity of an agent, who is recognized by the Commission as a broker; 1945, c. 22, s. 1, cl. (a), *amended*.
- (b) "broker-dealer" shall mean any person or company who is a member of the Broker-Dealers' Association of Ontario and such other person or company recognized by the Commission as a broker-dealer who engages either for the whole or part of his or its time in the business of trading in securities in the capacity of an agent or principal; *New*.
- (c) "Commission" shall mean Ontario Securities Commission; 1945, c. 22, s. 1, cl. (c).
- (d) "company" shall mean any incorporated corporation, incorporated association, incorporated syndicate or other incorporated organization; 1945, c. 22, s. 1, cl. (d), *amended*.
- (e) "industrial company" shall mean a company other than a company recognized by the Commission as a mining company or investment company;
- (f) "investment company" shall mean a company, other than a company recognized by the Commission as a mining company or an industrial company, whose principal business is the acquisition of or the investment in the securities of other companies whether for

the purpose of acquiring control or management of such companies or for the purpose of deriving revenue from such securities and shall include a company which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a like nature; *New*.

"investment
counsel";

- (g) "investment counsel" shall mean any person or company who engages in or holds himself or itself out as engaging in the business of advising others, either directly or through publications or writings, as to the advisability of investing in or purchasing or selling specific securities; 1945, c. 22, s. 1, cl. (g), *part, amended*.

"investment
dealer";

- (h) "investment dealer" shall mean any person or company who is a member, branch office member or associate member of the Central District of the Investment Dealers' Association of Canada and such other person or company recognized by the Commission as an investment dealer who engages either for the whole or part of his or its time in the business of trading in securities in the capacity of an agent or principal;

"mining
company";

- (i) "mining company" shall mean a company, other than a company recognized by the Commission as an industrial company or an investment company, which engages either directly or indirectly in any mode or method of working whereby the ground, soil or earth or any rock, stone or quartz may be disturbed, removed, drilled, washed, sifted, roasted, smelted, refined, crushed or dealt with for the purpose of winning, obtaining or proving the presence of any mineral or minerals, which shall include in addition to any other minerals, any metal, coal, natural gas, oil and salt, or of any mineral-bearing substance, mineral deposit, ore body, stratum, soil, rock, bed of earth, clay, sand, gravel or cement; *New*.

"official";

- (j) "official" shall mean president, vice-president, secretary, treasurer and manager; 1945, c. 22, s. 1, cl. (h), *amended*.

"person";

- (k) "person" shall mean an individual, partnership, unincorporated association, unincorporated organization, and syndicate other than an incorporated syndicate; 1945, c. 22, s. 1, cl. (i), *amended*.

"primary
distribution
to the
public";

- (l) "primary distribution to the public" used in relation to securities shall mean,

- (i) trades which are made for the purpose of distributing to the public securities issued by a company and not previously distributed, and
- (ii) trades in previously distributed securities for the purpose of redistributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person or company or any combination of persons or companies holding a sufficient quantity of such securities or of the securities from which such securities have been derived to materially affect the control of the company which is the issuer of the securities,

whether such trades are made directly to the public or through an underwriter, optionee, sub-underwriter, sub-optionee or otherwise and shall include any transaction involving a purchase and resale, or a repurchase and resale, in the course of or incidental to such distribution or redistribution to the public but shall not include either a trade through a person or company registered for trading in securities under this Act who is not engaged in such distribution or redistribution to the public but is acting as the agent of the purchaser or a sale by a person or company not engaged in such distribution or redistribution to the public; 1945, c. 22, s. 1, cl. (j), *amended*.

- (m) "register" shall mean register under this Act; "register";
- (n) "registrar" shall mean registrar of the Commission "registrar"; appointed under this Act;
- (o) "regulations" shall mean regulations made under the "regulations"; provisions of this Act; 1945, c. 22, s. 1, cls. (k-m).
- (p) "salesman" shall mean an individual registered as a "salesman"; salesman under this Act; 1945, c. 22, s. 1, cl. (n); 1946, c. 86, s. 1, *amended*.
- (q) "security" shall include, "security";
 - (i) any document, instrument or writing commonly known as a security,
 - (ii) any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company,

- (iii) any document constituting evidence of an interest in an association of legatees or heirs,
- (iv) any document constituting evidence of an interest in any option given upon a security,
- (v) any bond, debenture, share, stock, note, unit, unit certificate, participation certificate, certificate of share or interest, pre-organization certificate or subscription,
- (vi) any agreement providing that money received will be repaid or treated as a subscription to shares, stock, units or interests at the option of the recipient or of any person or company,
- (vii) any certificate of share or interest in a trust estate or association,
- (viii) any profit-sharing agreement or certificate,
- (ix) any certificate of interest in an oil, natural gas or mining lease, claim or royalty voting trust certificate,
- (x) any oil or natural gas royalties or leases or fractional or other interest therein,
- (xi) any collateral trust certificate,
- (xii) any income or annuity contract not issued by an insurance company,
- (xiii) any bankers' share,
- (xiv) any trustees' share,
- (xv) any investment contract, or
- (xvi) any investment participating bond or investment trust debenture,

whether any of the foregoing relate to a person, proposed company or company as the case may be; 1945, c. 22, s. 1, cl. (o).

"security issuer";

- (r) "security issuer" shall mean a company which engages in the primary distribution to the public of securities of its own issue; 1945, c. 22, s. 1, cl. (p), *amended*.

"sub-broker-dealer";

- (s) "sub-broker-dealer" shall mean an individual who, being retired from active business or as incidental to his principal occupation and as correspondent of any investment dealers or broker-dealers or both, trades in securities for a part of his time in the capacity of an agent or principal; and *New*.

(t) "trade" or "trading" shall include,

"trade";
"trading".

- (i) any solicitation for or obtaining of a subscription to, disposition of or trade in or option upon a security for valuable consideration whether the terms of payment be upon margin, instalment or otherwise,
- (ii) any attempt to deal in, sell or dispose of a security or an interest in or option upon a security for valuable consideration whether the terms of payment be upon margin, instalment or otherwise,
- (iii) any participation as a floor trader in any transaction in a security upon the floor of any stock exchange,
- (iv) any receipt by a person or company registered for trading in securities under this Act of an order to buy or sell a security, whether the order is received over the telephone or in person, and
- (v) any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing. 1945, c. 22, s. 1, cl. (q), *amended*.

PART I.

THE COMMISSION.

2.—(1) The Commission shall be composed of a chairman and not more than two other members, one of whom shall be designated as vice-chairman, who shall be appointed by the Lieutenant-Governor in Council. 1945, c. 22, s. 2 (1), *amended*.

Commis-
sion,—
how com-
posed.

(2) The chairman shall devote his full time to the work of the Commission and the other members shall devote such time as may be necessary for the due exercise and performance of the powers and duties of the Commission. 1945, c. 22, s. 2 (2).

Duties of
chairman
and mem-
bers.

3. The chairman, and in his absence the vice-chairman, may exercise and shall perform the powers and duties vested in or imposed upon the Commission by this Act or the regulations, but every direction, decision, order or ruling of the chairman or the vice-chairman shall be subject to review by the Commission, and the Commission may confirm or revoke any such direction, decision, order or ruling or may make such alteration therein or addition thereto as a majority of the members deem proper. 1945, c. 22, s. 3, *amended*.

Acts of
chairman or
vice-
chairman
subject to
review.

4. The staff of the Commission shall consist of a registrar and such other officers, clerks, stenographers and employees

Staff.

as the Lieutenant-Governor in Council may appoint. 1945, c. 22, s. 4.

Salaries.

5.—(1) The members of the Commission, the registrar and the officers, clerks, stenographers and employees of the Commission shall be paid such salaries or remuneration as the Lieutenant-Governor in Council may determine. 1945, c. 22, s. 5.

Payment of salaries and other expenses.

(2) The salaries, remuneration and other expenses of the Commission shall be paid out of such moneys as may be appropriated therefor by the Legislature. 1945, c. 22, s. 6.

PART II.

REGISTRATION.

Persons and companies required to register for trading in securities.

6.—(1) No person or company shall,—

- (a) trade in any security unless such person or company is registered as a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer or as a salesman of a registered broker, investment dealer, broker-dealer or security issuer;
- (b) act as a partner or officer of or on behalf of any person or company in connection with a trade in any security by such person or company unless such person or company is registered for trading in securities under this Act;
- (c) act as a salesman of or on behalf of any person or company in connection with a trade in any security by such person or company unless he is registered as a salesman of such person or company and such person or company is registered as a broker, investment dealer, broker-dealer or security issuer; or
- (d) act as an investment counsel unless such person or company is registered as an investment counsel,

and such registration has been made in accordance with the provisions of this Act and the regulations and such person or company, as the case may be, has received written notice of such registration from the registrar. 1945, c. 22, s. 7 (1), *amended*.

When separate registration of partners, officers and officials not required.

(2) Where a person or company is registered as a broker, investment dealer, broker-dealer or investment counsel, every partner or officer of such person or company may act as a broker, investment dealer, broker-dealer or investment counsel, as the case may be, on behalf of such, without separate registration and where a company is registered as a security issuer the officials thereof

may act on its behalf in connection with a trade in a security by such company without separate registration. 1945, c. 22, s. 7 (2), *amended*.

(3) No individual who becomes a partner or officer of a person or company after such person or company has been registered shall trade in securities until such person or company has received from the registrar written permission for such partner or officer so to trade. 1945, c. 22, s. 7 (3), *amended*. New partners or officers must be approved.

(4) The termination of the employment of a salesman with a person or company registered for trading in securities under this Act shall operate as a suspension of the registration of such salesman until notice in writing has been received by the registrar from a person or company registered for trading in securities under this Act of the employment of such salesman and such employment has been approved by the Commission. 1945, c. 22, s. 7 (4), *amended*. Termination of employment of salesman.

7. The Commission shall grant registration or renewal of registration to an applicant where in the opinion of the Commission the applicant is suitable for registration and the proposed registration is not objectionable. 1945, c. 22, s. 9. Registration.

8. The Commission shall suspend or cancel any registration where in its opinion such action is in the public interest. 1945, c. 22, s. 10. Suspension, cancellation.

9. Notwithstanding any ruling of the Commission a further application for registration may be made upon new or other material or where it is clear that material circumstances have changed provided that no further application for registration shall be made within six months of such ruling unless leave is first obtained from the Commission. 1945, c. 22, s. 11, *amended*. Further applications.

10.—(1) Every application shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations and a bond in such amount and form, subject to section 21, as may be prescribed by the regulations. 1945, c. 22, s. 12. Application to be upon forms with proper fees and bonds.

(2) The bond shall be,—

Type of bond.

(a) the bond of a guarantee company approved under *The Guarantee Companies Securities Act*;

(b) a personal bond accompanied by collateral security; Rev. Stat., c. 263.
or

(c) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.

Collateral security.

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond and shall be deposited with the Treasurer of Ontario. *New.*

Address for service.

11. Every applicant shall state in the application an address for service in Ontario, and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. 1945, c. 22, s. 13.

Further information.

12. The registrar may and shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require such applicant or such registered person or company to submit to examination under oath. 1945, c. 22, s. 14, *amended.*

Appointment of experts.

13.—(1) The Commission may appoint one or more experts to assist the Commission in such manner as it may deem expedient.

Submission of documents to experts.

(2) The Commission may submit any agreement, prospectus, financial statement, report or other document to one or more experts appointed under subsection 1 for examination and the Commission shall have the like power to summon and enforce the attendance of witnesses before the expert and to compel them to produce documents, records and things as is vested in the Commission by subsection 3 of section 26 and the provisions of subsections 3 and 4 of section 26 shall apply *mutatis mutandis.*

Payment for services.

(3) An expert appointed under subsection 1 shall be paid such amounts for services and expenses as the Lieutenant-Governor in Council may determine. *New.*

Residence.

14.—(1) Registration may, in the absolute discretion of the Commission, be refused to any person who has not been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario, unless at the time of application such person is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of such application and is otherwise suitable for registration.

(2) Where a company or partnership makes application for ^{Idem.} registration, such registration may, in the absolute discretion of the Commission, be refused, unless every officer and director, or every member, as the case may be, has been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario or is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of such application and is otherwise suitable for registration. 1945, c. 22, s. 15 (1, 2), *amended*.

(3) For the purposes of this section a person shall not be ^{Service in the forces.} deemed to cease to reside in Ontario by reason only of his absence from Ontario as a member of His Majesty's armed forces. 1945, c. 22, s. 15 (3).

15. Every registration and renewal of registration shall ^{Termination and renewal of registration.} lapse on the 31st day of March in each year and every registered person or company shall apply for renewal of registration on or before the 1st day of March in each year giving full particulars of any change in the facts set forth in the latest application form on record, and enclosing the prescribed fee. 1945, c. 22, s. 16, *amended*.

16.—(1) Every registered broker, investment dealer and ^{Change in registration of broker, investment dealer and broker-dealer.} broker-dealer shall, within five days, notify the registrar in writing of,—

- (a) any change in the address for service;
- (b) any change in the officers or members in the case of a company or partnership; and
- (c) the commencement and termination of employment of every salesman.

(2) Every registered security issuer shall, within five days, ^{Security issuer.} notify the registrar in writing of,—

- (a) any change in the address for service;
- (b) any change in the officials; and
- (c) the commencement and termination of employment of every salesman. 1945, c. 22, s. 17 (1), *amended*.

(3) Every registered investment counsel shall, within five ^{Investment counsel.} days, notify the registrar in writing of,—

- (a) any change of the address for service; and
- (b) any change in the officers or members in the case of a company or partnership.

Salesmen.

(4) Every registered salesman shall, within five days, notify the registrar in writing of,—

- (a) any change in his address for service; and
- (b) every commencement and termination of his employment by a person or company registered for trading in securities under this Act. 1945, c. 22, s. 17 (2, 3), *amended*.

Sub-broker-dealer.

(5) Every registered sub-broker-dealer shall, within five days, notify the registrar in writing of any change in his address for service. *New*.

Registrar to make daily deposit.

17.—(1) The registrar shall cause all cash, cheques, money orders and postal notes to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund.

Refund.

(2) Where an application is refused or a registration is cancelled the registrar may recommend to the Treasurer of Ontario that a refund of the fee or of such part thereof as he deems fair and reasonable be made and the Treasurer may make such refund. 1945, c. 22, s. 18.

EXEMPTION FROM REGISTRATION.

Exemptions from registration as investment counsel.

18. Registration as an investment counsel shall not be required to be obtained by,—

Banks, loan, trust and insurance companies, public officers.

1944-45, cc. 30, 44 (Can.).

Rev. Stat., cc. 257, 256.

- (a) a bank to which *The Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under *The Industrial Development Bank Act* (Canada), or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or any officer or employee, in the performance of his duties as such, of His Majesty in right of Canada or of any province, or of any municipal corporation or public board or commission in Canada;
- (b) any lawyer, accountant, engineer or teacher whose performance of such services is solely incidental to the practice of his profession;

Lawyers, accountants, engineers and teachers.

Persons or companies registered for trading in securities, etc.

- (c) any person or company registered for trading in securities under this Act, or any officer or employee thereof, whose performance of such services is solely incidental to the conduct of the business as such, and who receives no special compensation therefor;

(d) the publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an investment counsel only through such publication and has no interest either directly or indirectly in any of the securities upon which such advice is given and receives no commissions or other consideration for giving such advice and who gives such advice as solely incidental to the conduct of his business as a publisher; or

Certain publishers.

(e) such other persons or companies not within the intent of this section as may be designated by the regulations. 1945, c. 22, s. 1, cl. (g), *part, amended*.

Persons or companies designated by Commission.

19.—(1) Subject to the provisions of the regulations, registration shall not be required in respect of the following trades,—

Exemptions from registration re certain trades.

(a) a trade in a security taking place at a judicial, executor's, administrator's, guardian's or committee's sale, or at a sale by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), a receiver under *The Judicature Act* or a liquidator under *The Companies Act* or the *Winding-up Act* (Canada); 1945, c. 22, s. 19, cl. (a).

Judicial sales.

R.S.C.,
cc. 11, 213;
Rev. Stat.,
cc. 100, 251.

(b) an isolated trade in a specific security by or on behalf of the owner, for the owner's account, where such trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person whose usual business is trading in securities; 1945, c. 22, s. 19, cl. (b), *amended*.

Isolated transactions by owner.

(c) a trade where one of the parties is a bank to which *The Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under *The Industrial Development Bank Act* (Canada), or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or is an officer or employee, in the performance of his duties as such, of His Majesty in right of Canada or of any province or territory of Canada, or of any municipal corporation or public board or commission in Canada; 1945, c. 22, s. 19, cl. (c), *amended*.

Banks, loan, trust and insurance companies, public officers.

1944-45,
cc. 30, 44
(Can.).
Rev. Stat.,
cc. 257, 256.

(d) a trade by or for the account of a pledgee or mortgagee for the purpose of liquidating a *bona fide* debt by

Sale of pledged security.

selling or offering for sale or delivering in good faith in the ordinary course of business a security pledged in good faith as security for such debt; 1945, c. 22, s. 19, cl. (d).

Non-trading employees' transactions.

- (e) a trade in a security which may occasionally be transacted by employees of a person or company registered for trading in securities under this Act where such employees do not usually sell securities to the public and have been temporarily designated by the registrar as "non-trading" employees, either individually or as a class; 1945, c. 22, s. 19, cl. (g), *amended*.

Trades between issuer and underwriter.

- (f) a trade between a person or company and an underwriter, optionee, sub-underwriter or sub-optionee in securities issued by such person or company and trades in such securities between or among underwriters, optionees, sub-underwriters and sub-optionees; 1945, c. 22, s. 19, cl. (r).

Company selling securities through agent.

- (g) a trade in a security by a company acting solely through an agent who is a person or company registered for trading in securities under this Act; or *New*.

Trades exempted by regulations.

- (h) any trades in respect of which registration is not required by the regulations. 1945, c. 22, s. 19, cl. (u), *part, amended*.

Exemptions from registration re certain securities.

- (2) Subject to the provisions of the regulations, registration shall not be required to trade in the following securities,—

Stock dividends, distribution of earnings, etc.

- (a) securities of its own issue which are distributed or issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus, or securities whether of its own issue or not which are distributed or issued by such company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of the company or distribution of its assets for the purpose of winding-up its affairs, or the sale by a company to the holders of its securities of additional securities of its own issue, provided that no commission or other remuneration, except for ministerial or professional services, is paid or given in respect of such distribution, issuance or sale; 1945, c. 22, s. 19, cl. (e), *amended*.

Exchange on merger.

- (b) securities of a company which are exchanged by or on account of such company with another company

or the holders of the securities of such other company in connection with a consolidation, amalgamation, merger or re-organization of either company; 1945, c. 22, s. 19, cl. (f), *amended*.

- (c) securities of or guaranteed by any government in the British Commonwealth of Nations or any colony or dependency thereof, or of or guaranteed by the government of any foreign country or state forming a portion of such foreign country; Government securities.
- (d) securities in which trust funds may lawfully be invested in Ontario; Trust.
- (e) securities secured by mortgage upon real estate or tangible personal property where all of the securities are sold at the one time; Secured bonds.
- (f) negotiable promissory notes or commercial paper maturing not more than a year from the date of issue; Negotiable paper.
- (g) securities evidencing indebtedness due under any contract made pursuant to the provisions of any statute of any province of Canada providing for the acquisition of personal property under conditional sale contracts; Securities based upon conditional sales.
- (h) securities issued by a person or company organized exclusively for educational, benevolent, fraternal, charitable, religious or recreational purposes and not for pecuniary profit, where no part of the net earnings thereof enure to the benefit of any security holder; Shares of non-profit sharing companies.
- (i) securities issued by corporations operated on a co-operative basis as defined by Part XII of *The Companies Act*; Co-operative corporations. Rev. Stat., c. 251.
- (j) shares of a credit union within the meaning of *The Credit Unions Act, 1940*; Shares of credit union. 1940, c. 7.
- (k) securities traded by a company with its employees who are not induced to trade by expectation of employment or continued employment; 1945, c. 22, s. 19, cls. (g-o). Company stock sales to employees.
- (l) securities of a private company issued by such private company where such securities are not offered for sale to the public; 1945, c. 22, s. 19, cl. (p), *amended*. Securities of private company.

Prospector's
"grub
stake".

- (m) securities issued and sold by a prospector for the purpose of financing a prospecting expedition; 1945, c. 22, s. 19, cl. (s), *amended*.

Syndicate
units, sale
by pros-
pector.

- (n) securities issued by a prospecting syndicate where such securities are sold by the prospector or one of the prospectors who staked the claims which belong to or are the subject of a Declaration of Trust in favour of such prospecting syndicate within the meaning of Part VII, provided that a prospecting syndicate agreement relating to such prospecting syndicate has been accepted for filing thereunder and provided that the prospector delivers a copy of such prospecting syndicate agreement to the person purchasing the security before accepting payment therefor; 1945, c. 22, s. 19, cl. (t), *amended*.

Syndicate
units when
sold to not
more than
fifty persons
or com-
panies.

- (o) securities of a prospecting syndicate within the meaning of Part VII, issued by such prospecting syndicate, where a prospecting syndicate agreement relating to such prospecting syndicate has been accepted for filing thereunder and where such securities are not offered for sale to the public and are sold to not more than fifty persons or companies; or *New*.

Securities
exempted by
regulations.

- (p) securities in respect of which registration is not required by the regulations. 1945, c. 22, s. 19, cl. (u), *part, amended*.

Where
exemptions
not to apply
to pros-
pector.

- (3) Where any prospector has been guilty of acts or conduct which, in the opinion of the Commission, would warrant the Commission refusing to grant registration to him under this Act, the Commission may rule that the provisions of clauses *m* and *n* of subsection 2 shall not apply to him or to any member of a prospecting syndicate of which he is a member. 1946, c. 86, s. 2, *amended*.

Floor
traders.

- 20.**—(1) A person shall not be required to obtain registration by reason only of trades made by him as a floor trader upon the floor of a stock exchange. 1945, c. 22, s. 20 (1).

Non-trading
employees.

- (2) The registrar may designate as "non-trading" any employee or class of employees of a person or company registered for trading in securities under this Act who do not usually sell securities to the public, but such designation shall be temporary only and may be cancelled as to any employee or class of employees where the registrar is satisfied that any such employee or member of any such class of employees should be required to apply for registration as a salesman. 1945, c. 22, s. 20 (2), *amended*.

PART III.

FORFEITURE OF BOND.

21.—(1) Any bond mentioned in section 11 shall be forfeit^{Forfeiture of bond.} and the amount thereof shall become due and owing by the person or company bound thereby as a debt due His Majesty in right of Ontario where,—

(a) the broker, investment dealer, broker-dealer, sub-broker-dealer or investment counsel, or any officer or partner thereof, or security issuer or any official thereof, or salesman, in respect of whose conduct the bond is conditioned has been convicted of,

(i) an offence under this Act,

(ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada),^{R.S.C., c. 36.} or

(iii) an offence in connection with a transaction relating to securities under the *Criminal Code* (Canada);

(b) judgment based on a finding of fraud has been given against the broker, investment dealer, broker-dealer, sub-broker-dealer or investment counsel, or any officer or partner thereof, or security issuer or any official thereof, or salesman, in respect of whose conduct the bond is conditioned; or

(c) proceedings by or in respect of a broker, investment dealer, broker-dealer, sub-broker-dealer or investment counsel, or any officer or partner thereof, or security issuer or any official thereof, or salesman, in respect of whose conduct the bond is conditioned, have been taken under the *Bankruptcy Act* (Canada)^{R.S.C., c. 11.} or by way of winding-up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made, and such conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken. 1945, c. 22, s. 21 (1); 1946, c. 86, s. 3, *amended*.

(2) A bond may be cancelled by any person bound there-^{Cancellation of bond.} under by giving to the registrar at least two months' notice in writing of intention to cancel and, subject to the provisions of

subsection 3, it shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the registrar. *New.*

Term of
bond.

(3) For the purposes of every act and omission occurring during the period of registration or the period prior to cancellation under subsection 2, every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years after the lapse or cancellation of the registration to which it relates, or the cancellation of the bond, whichever occurs first. 1945, c. 22, s. 21 (2), *amended.*

Sale of
collateral
security.

22. Where a bond secured by the deposit of collateral security with the Treasurer of Ontario is forfeited under section 21, the Lieutenant-Governor in Council may direct the Treasurer to sell the collateral security at the current market price. *New.*

Proceedings
to enforce
forfeiture.

23. Where His Majesty becomes a creditor of any person or company in respect of a debt to the Crown arising from the provisions of section 21, the Commission may take such proceedings as it shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be. 1945, c. 22, s. 22.

R.S.C., c. 11;
Rev. Stat.,
cc. 100, 251;
R.S.C.,
c. 213.

Assignment
of bond or
payment of
moneys to
creditors.

24. The Lieutenant-Governor in Council may direct the Treasurer of Ontario,—

- (a) to assign any bond forfeited under section 21 and transfer the collateral security, if any;
- (b) to pay over any moneys recovered under such bond;
or
- (c) to pay over any moneys realized from the sale of the collateral security under section 22,

to any person, or to the accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the person or company bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person or company, as the case may be. 1945, c. 22, s. 23, *amended.*

Where no
claims
against
proceeds
of bond.

25. Where a bond has been forfeited under section 21 by reason of a conviction or judgment under clause *a* or *b* of subsection 1 thereof and the Commission has not within two years of such conviction or judgment having become final, or of the registered person or company in respect of whom the bond

was furnished ceasing to carry on business as such, whichever occurs first, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to such person or company or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such person or company. 1945, c. 22, s. 24, *amended*.

PART IV.

INVESTIGATION AND ACTION BY COMMISSION.

26.—(1) Where upon a statement made under oath it ^{Order to} appears probable to the Commission that any person or ^{investigate.} company has,—

(a) violated any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* ^{R.S.C.,} (Canada) in connection with a trade in securities, ^{c. 36.}

the Commission may by order appoint any person to make such investigation as it deems expedient for the due administration of this Act and in such order shall determine and prescribe the scope of the investigation. 1945, c. 22, s. 25 (1), *amended*.

(2) For the purposes of any investigation ordered under sub- ^{Idem.} section 1 the person appointed to make the investigation may investigate, inquire into and examine,—

(a) the affairs of the person or company in respect of ^{Scope of} whom or which the investigation is being made and ^{investiga-} into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person or company and into any property, assets or things owned, acquired or alienated in whole or in part by such person or company or by any person or company acting on behalf of or as agent for such person or company; and

(b) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the

financial or other conditions at any time prevailing in or in relation to, or in connection with any such person or company and into the relationship which may at any time exist or have existed between such person or company and any other person or company by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

Power to
summon
witnesses
and require
production.

(3) For the purposes of subsections 1 and 2 the person making the investigation shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,—

- (a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply;
- (b) no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;
- (c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client; and
- (d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section.

Rev. Stat.,
c. 119.

Seizure of
property.

(4) Where an investigation is ordered under this section the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person or company the affairs of whom or of which are being investigated.

Accountants;
other
experts.

(5) Where an investigation is ordered under this section the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company the affairs of whom or of which are being investigated.

(6) Every person appointed under subsection 1 or subsection 5 shall report the result of his investigation or examination to the Commission. 1945, c. 22, s. 25 (2-6). Report of investigation.

27. Where upon the report of an investigation made under section 26 it appears to the Commission that any person or company may have,— Report to Attorney General.

(a) violated any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to securities, R.S.C., c. 36.

the Commission shall send a full and complete report of such investigation including the report made to it, any transcript of evidence and any material in the possession of the Commission relating thereto, to the Attorney General. 1945, c. 22, s. 26.

28. Notwithstanding the provisions of section 26, the Attorney General may by order appoint any person to make an investigation into any matter relating to a trade in securities, in which case the person so appointed shall, for the purposes of the investigation, have the same authority, powers, rights and privileges as a person appointed under section 26. 1945, c. 22, s. 27, *amended*. Investigation under order of Attorney General.

29. No person, without the consent of the Commission, shall disclose any information or evidence obtained or the name of any witness examined or sought to be examined under section 26 or 28. 1945, c. 22, s. 28, *amended*. Evidence not to be disclosed.

30. Where an investigation has been made under section 26 the Commission may, and where an investigation has been made under section 28 the person making the investigation shall, report the result thereof including the evidence, findings, comments and recommendations, to the Attorney General and the Attorney General may cause such report to be published in whole or in part in such manner as he deems proper. 1945, c. 22, s. 29. Reporting to Attorney General.—publication of report.

31.—(1) The Commission may,—

(a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 26 or 28;

(b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the

Order to hold or refrain from dealing with funds.

registration of any person or company or affecting the right of any person or company to trade in securities; or

- (c) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c*, to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c*, to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada), or until the Commission in writing revokes such direction or consents to release any particular fund or security from such direction, provided that no such direction shall apply to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction. 1946, c. 86, s. 4, *amended*.

R.S.C.,
cc. 11, 213;
Rev. Stat.,
cc. 100, 251.

Application
for direction.

- (2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person or company not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such funds or security and may make such order as to costs as may seem just. 1945, c. 22, s. 30 (2).

Notice to
registrars
of deeds or
masters of
titles.

- (3) In any of the circumstances mentioned in clause *a*, *b* or *c* of subsection 1, the Commission may in writing or by telegram notify any registrar of deeds or master of titles or any local master of titles or any mining recorder that proceedings are being or are about to be taken which may affect land or mining claims belonging to the person or company referred to in the notice which notice shall be registered against the lands or claims mentioned therein and shall have the same effect as

the registration of a certificate of *lis pendens*, save that the Commission may in writing revoke or modify such notice. 1945, c. 22, s. 30 (3), *amended*.

32.—(1) The Commission may,—

Application
for appoint-
ment of
receiver,
trustee and
manager.

- (a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 26 or 28;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company,

by originating notice apply to a judge of the Supreme Court for the appointment of a receiver, trustee and manager of the property of such person or company.

(2) Upon an application made under subsection 1, the Court may, where it is satisfied that the appointment of a receiver, trustee and manager of the property of any person or company is in the best interests of the creditors of such person or company or of persons or companies any of whose property is in the possession or under the control of such person or company, appoint a receiver, trustee and manager of the property of such person or company.

Appoint-
ment.

(3) Upon an *ex parte* application made by the Commission under this section the Court may make an order under subsection 2 appointing a receiver, trustee and manager for a period not exceeding eight days.

Ex parte
application.

(4) A receiver, trustee and manager of the property of any person or company appointed under this section shall be the receiver, trustee and manager of all of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, trustee and manager shall have authority, if so directed by the Court, to wind-up or manage the business and affairs of the person or company and all powers necessary or incidental thereto.

Powers of
receiver,
trustee and
manager.

Enforcement
of order.

(5) An order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

Rules of
Practice
to apply.

(6) Upon an application made under this section the Rules of Practice of the Supreme Court shall apply. 1946, c. 86, s. 5, *amended*.

PART V.

APPEALS.

Notice of
direction,
decision, etc. of the Commission —

33. A notice of every direction, decision, order or ruling

- (a) granting or refusing to grant registration to or renewing, refusing to renew, suspending, cancelling or changing the registration of any person or company; or
- (b) regarding trading or the right to trade in securities or any conditions or restrictions relating thereto,

shall be served upon the applicant or the person or company whose registration is thereby affected and upon such other person or company as in the opinion of the Commission is primarily affected by the direction, decision, order or ruling, at the address appearing in the application or upon the records of the Commission. 1945, c. 22, s. 44, *amended*.

Review by
Commission.

34.—(1) Any person or company upon whom a notice is served under section 33 or any other person or company who is primarily affected by any such direction, decision, order or ruling may, by notice in writing served upon the registrar within thirty days after the mailing of the notice, request a hearing and review by the Commission of the direction, decision, order or ruling.

Notice of
hearing.

(2) Where a hearing and review is requested under subsection 1 the registrar shall serve a notice in writing of the time and place thereof to the person or company requesting the hearing and review and to such other person or company as in the opinion of the Commission is primarily affected by the hearing, stating the date and place thereof.

Evidence.

(3) Upon the review the Commission may hear such evidence as may be submitted to it by the person or company requesting the review or by any other person or company and which in the opinion of the Commission is relevant to the review but shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing

and together with such documentary evidence and things as are received in evidence by the Commission shall form the record.

(4) Upon a review the Commission may by order confirm ^{Power on review.} or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as a majority of the members of the Commission deem proper.

(5) A notice of the order made upon every review shall be ^{Notice of order on review.} served forthwith upon the person or company requesting the review and to such other person or company as in the opinion of the Commission is primarily affected by such order. 1945, c. 22, s. 45.

35.—(1) Where the Commission has reviewed a direction, ^{Appeal to Supreme Court.} decision, order or ruling under section 34 any person or company upon whom a notice is served under subsection 5 of section 34 or any other person or company who is primarily affected by any such direction, decision, order or ruling or by the order made upon the review, may appeal to a justice in appeal of the Supreme Court.

(2) Every appeal shall be by notice of motion served upon ^{Form of appeal.} the registrar within thirty days after the mailing of the notice under subsection 5 of section 34 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act.

(3) The registrar shall certify to the Registrar of the ^{Certificate of registrar.} Supreme Court of Ontario,—

- (a) the direction, decision, order or ruling which has been reviewed by the Commission;
- (b) the order of the Commission upon the review, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to the Commission or other material which in the opinion of the registrar are relevant to the appeal.

(4) The Attorney General may designate counsel to assist ^{Counsel.} the Court upon the hearing of any appeal which is taken under this section. 1945, c. 22, s. 46.

36. Where an appeal is taken under section 35 the Court ^{Order of Court.} may by its order direct the Commission to make such direc-

tion, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Commission shall make such direction, decision, order or ruling or do such act accordingly. 1945, c. 22, s. 47.

Further
direction,
etc.

37. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Commission shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 33 to 36. 1945, c. 22, s. 48.

PART VI.

AUDITS.

Panel of
auditors.

38. Every stock exchange, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall,—

- (a) select a panel of auditors each of whom shall have practised as such in Ontario for not less than five years and shall be known as a panel auditor or member's auditor; and
- (b) employ an exchange auditor, district association auditor or association auditor, as the case may be, whose appointment shall be subject to the approval of the Commission and such appointee shall be an auditor who shall have practised as such in Ontario for not less than ten years. 1945, c. 22, s. 33, *amended*.

Audits by
stock ex-
changes and
associations.

39.—(1) Every stock exchange, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall cause each member of such class or classes of their members as the Commission may designate in writing to appoint an auditor from the panel of auditors selected under section 38 and such auditor shall make the examination of the financial affairs of such member as called for by the by-laws, rules or regulations applicable to members of such class or classes and shall report thereon to the exchange auditor, district association auditor or association auditor, as the case may be.

Auditing
by-laws, etc.
to be
satisfactory
to Commis-
sion.

(2) The by-laws, rules and regulations of every stock exchange in Ontario, the rules and regulations of the Central District of the Investment Dealers' Association of Canada and the regulations of the Broker-Dealers' Association of Ontario in respect of the practice and procedure of the examinations

under subsection 1 and the actual conduct of such examinations shall be satisfactory to the Commission. *New*

40. Every registered broker, investment dealer and broker-dealer whose financial affairs are not subject to examination under section 39 shall keep such books and records as are necessary for the proper recording of his or its business transactions and financial affairs and shall file with the Commission annually and at such other time or times as the Commission may require a financial statement satisfactory to the Commission as to his or its financial position, certified by such broker, investment dealer or broker-dealer, or an officer or partner thereof, and reported upon by the auditors of such broker, investment dealer or broker-dealer, and such other information as the Commission may require in such form as it may prescribe. 1945, c. 22, s. 42 (1), *amended*. Annual financial statement,—filing of.

41.—(1) Notwithstanding anything contained in sections 38, 39 and 40, the Commission or any person to whom as its representative it may in writing delegate such authority may at any time make an examination of the financial affairs of any person or company registered under this Act or any person or company whose securities have been the subject of a filing with the Commission, and prepare a balance sheet as of the date of such examination and such other statements and reports as may be required by the Commission. Commission to make audits.

(2) The Commission or any person making an examination under this section shall be entitled to free access to all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company whose financial affairs are being examined and no person or company shall withhold, destroy, conceal or refuse to give any information or thing reasonably required for the purpose of the examination. Access to books, securities, etc.

(3) The Commission may charge such fees as may be prescribed by the regulations for any examination made under this section. 1945, c. 22, s. 43, *amended*. Fees.

PART VII.

PROSPECTING SYNDICATES.

42.—(1) Upon the acceptance for filing of a prospecting syndicate agreement by the Commission, the liability of the members of the syndicate or parties to the agreement shall be limited to the extent provided by the terms of such agreement where,— Agreements.

- (a) the sole purpose of the syndicate is the financing of prospecting expeditions, preliminary mining development, or the acquisition of mining properties or any combination thereof;

(b) the agreement clearly sets out,

- (i) the purpose of the syndicate,
- (ii) the particulars of any transaction effected or in contemplation involving the issue of units for a consideration other than cash,
- (iii) the maximum amount, not exceeding twenty-five per centum of the sale price, which may be charged or taken by any person as commission upon the sale of units in the syndicate,
- (iv) the maximum number of units in the syndicate, not exceeding thirty-three and one-third per centum of the total number of units of the syndicate, which may be issued in consideration of the transfer to the syndicate of mining properties,
- (v) the location of the head office of the syndicate and that such head office shall at all times be maintained in Ontario and that the Commission and the unit holders of the syndicate shall be notified immediately of any change in the location of the head office,
- (vi) that any person holding mining properties for the syndicate shall execute a Declaration of Trust in favour of the syndicate with respect to such mining properties,
- (vii) that after the sale for cash of any issued units of the syndicate, no mining properties shall be acquired by the syndicate other than by staking unless such acquisition is approved by a vote of at least two-thirds of the units of the syndicate which have been sold for cash,
- (viii) that the administrative expenditures of the syndicate, including, in addition to any other items, salaries, office expenses, advertising and commissions paid by the syndicate with respect to the sale of its units, shall be limited to one-third of the total amount received by the treasury of the syndicate from the sale of its units,
- (ix) that a statement of the receipts and disbursements of the syndicate shall be furnished to the Commission and to each unit holder annually,
- (x) that ninety per centum of the vendor units of the syndicate shall be escrowed units and may be released upon the consent of the

Commission and that any release of such units shall not be in excess of one vendor unit for each unit of the syndicate sold for cash,

- (xi) that no securities other than those of the syndicate's own issue, or no mining properties owned by the syndicate or held in trust for the syndicate shall be disposed of unless such disposal is approved by a vote of at least two-thirds of the issued units of the syndicate other than escrowed units; and

- (c) the agreement limits the capital of the syndicate to a sum not exceeding \$35,000. 1945, c. 16, s. 2 (1), *amended*.

- (2) The Commission may in its discretion accept for filing ^{Commission may file.} any agreement submitted for filing under this section and shall not be required to determine whether it is in conformity with clauses *a*, *b* and *c* of subsection 1. 1945, c. 16, s. 2 (3), *amended*.

- (3) Where a prospecting syndicate agreement is accepted ^{Rev. Stat., c. 189 not to apply.} for filing under this section, the requirements of *The Partnership Registration Act* as to filing shall not apply thereto. 1945, c. 16, s. 2 (4), *amended*.

- (4) Every agreement filed with,—

- (a) the Provincial Secretary or a mining recorder under the provisions of section 13*f* of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act, 1940*, and renumbered by section 3 of *The Securities Amendment Act, 1941*; and ^{Filing of agreements under previous Acts. Rev. Stat., c. 265; 1940, c. 25; 1941, c. 53.}

- (b) the Commission or a mining recorder under the provisions of *The Prospecting Syndicate Agreements Act, 1945*, ^{1945, c. 16.}

shall be deemed to be accepted for filing by the Commission within the meaning of this Act. 1945, c. 16, s. 6, *amended*.

PART VIII.

TRADING IN THE SECURITIES OF A MINING COMPANY.

43.—(1) No person or company shall trade in any security ^{Trades in a security issued by a mining company on primary distribution to the public.} issued by a mining company either on his or its own account or on behalf of any other person or company where such trade would be in the course of a primary distribution to the public of such security until there has been filed with the Commission a prospectus, and a receipt therefor obtained from the registrar, which prospectus shall be dated and signed by every person

who is, at the time of filing, a director or promoter of the mining company issuing the security or an underwriter or optionee of such security, and which prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth the following information relating to such mining company,— 1945, c. 22, s. 49 (1), cl. (a), *amended*.

- (a) the full name of the company and the address of the head office;
- (b) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof;
- (c) the officers, directors and promoters giving in each case the name in full, present occupation and home address in full;
- (d) the name and address of the auditor;
- (e) the name and address of every registry and transfer agency;
- (f) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating;
- (g) the particulars in respect of any bonds, or debentures outstanding or proposed to be issued;
- (h) the number of shares or other securities held in escrow, the name of the trustee and a summary of the provisions of the escrow agreement including the proposed plan of release from escrow;
- (i) the shares sold for cash to date tabulated under each class of shares as follows,
 - (i) the number of shares sold, separately listed as to price,
 - (ii) total cash received for the shares sold, and
 - (iii) the commissions paid on the sale of the shares;
- (j) particulars of securities, other than shares, sold for cash to date as follows,

- (i) the securities sold,
 - (ii) total cash received for the securities sold, and
 - (iii) the commissions paid on the sale of the securities;
- (k) the number of shares issued or to be issued or cash paid or to be paid to any promoter with his name and address and the consideration for the payment;
- (l) particulars as follows,
- (i) official designation and location of all properties, showing whether owned, leased or held under option or intended to be acquired by the company and all material facts relating to leases or options,
 - (ii) names and addresses of all vendors of property purchased or intended to be purchased by the company, showing the consideration paid or intended to be paid to each vendor, and the property acquired from each, and
 - (iii) the names and addresses in full of every person or company who has received or is to receive from any vendor a greater than five per centum interest in the shares or other consideration received or to be received by the vendor;
- (m) the particulars relating to all properties as follows,
- (i) the means of access thereto,
 - (ii) the character, extent and condition of any underground exploration and development and any underground plant and equipment, and if none so state,
 - (iii) the character, extent and condition of any surface exploration and development and any surface plant and equipment, and if none so state,
 - (iv) the known history of the property, and
 - (v) a description of any work done and improvements made by the present management, and if none so state;

- (n) the particulars of the securities, if any, covered by option agreements or underwriting agreements outstanding or proposed to be given and the price or prices at which and the date or dates by which such option agreements or underwriting agreements must be exercised, showing the name of the optionee and where the optionee is a company, syndicate or partnership, the names of all persons having more than five per centum interest therein, and the name and address of the person for or on whose behalf the option agreement or underwriting agreement has been entered into;
- (o) the details of future development and exploration plans of the management showing how it is proposed to expend the proceeds from current sales of securities;
- (p) where a company has not been incorporated for more than one year prior to the date of the statement, the amount or estimated amount of preliminary expenses showing administrative and development expenses separately, including the amount already expended and the estimated future expenditures in each case;
- (q) the amount and general description of any indebtedness to be created or assumed, which is not shown in a balance sheet filed with the Commission, and also particulars of the security, if any, given or to be given for such indebtedness;
- (r) particulars as follows,
 - (i) the principal business in which each director or officer has been engaged during the past three years and giving the length of time, position held and name of company or firm,
 - (ii) the nature and extent of the interest, direct or indirect, which any director or officer of the company, whether personally or as a partner in a firm, has ever had in any property acquired or to be acquired by the company, and
 - (iii) the aggregate remuneration paid by the company during the last financial year, and estimated to be paid or payable during the current financial year to directors and, separately stated, to officers;

- (s) the particulars of dividends, if any, paid during the last five years;
- (t) the names and addresses of the persons who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position or are entitled to elect or cause to be elected a majority of the directors of the company;
- (u) any other material facts not disclosed in the foregoing;
- (v) a certification to be signed by the directors and promoters of the company in the following form: *The foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required under section 43 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required;* and
- (w) a certification to be signed by the underwriters and optionees in the following form: *To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 43 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required. In respect of matters which are not within my knowledge I have relied upon the accuracy and adequacy of the foregoing. New.*

(2) A full and up-to-date report on the property of the mining company and the development thereof made by a person who in the opinion of the Commission is a qualified mining engineer, geologist or prospector, certified by such person stating,—

- (a) the address and occupation of such person;
- (b) the qualifications of such person;
- (c) any interest which such person may have either directly or indirectly or which he may expect to receive either directly or indirectly in the property or securities;
- (d) whether or not the report is based on personal examination;

(e) the date of any such examination; and

(f) where not personally examined the source of information contained in the report,

shall accompany the prospectus required under subsection 1. 1945, c. 22, s. 49 (5), *amended*.

Commission
to be notified
of primary
distribution
to the public.

(3) No person or company shall engage in the primary distribution to the public of such a security as mentioned in subsection 1 until such person or company has notified the Commission in writing of his or its intention to engage in such primary distribution to the public. 1945, c. 22, s. 49 (1), cl. (b), *amended*.

Signing
by agent;
non-avail-
ability of
director.

(4) Any director, promoter, underwriter or optionee may sign a prospectus required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such prospectus the Commission may dispense with the requirement for his signature. 1945, c. 22, s. 49 (2), *amended*.

Responsi-
bility of
underwriter;
optionee.

(5) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any prospectus filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee. 1945, c. 22, s. 49 (3), *amended*.

Balance
sheet and
report by
auditors.

(6) Financial statements of a mining company in a form acceptable to the Commission, or if such company has any subsidiaries and unless the Commission otherwise directs, consolidated financial statements of such company and all its subsidiaries in a form acceptable to the Commission, as at the end of the last completed financial year of such company or as at a date not more than one hundred and twenty days prior to the date of the prospectus under subsection 1, whichever be the later date, or as at such other date as the Commission may approve, shall accompany the prospectus required under subsection 1 as follows,—

(a) a balance sheet on which the shares of capital stock, issued in payment of properties, claims or leases and the values at which such shares were issued shall be shown separately from the shares issued for cash or other consideration and supported by analyses of deferred charges where such deferred charges are significant, approved by two directors of such company and accompanied by a report of the auditors of such company, who shall be persons acceptable to the Commission, containing a reasonably compre-

hensive statement as to the examination made and stating whether, in their opinion, the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the affairs of such company or of such company and its subsidiaries, as the case may be, and as shown by the books of such company or of such company and such of its subsidiaries as are consolidated in the balance sheet; and

- (b) if profits have been earned or losses sustained, a statement with respect to net profits and the nature and source thereof, or net losses, as the case may be, in respect of the last three completed financial years, year by year, and any part of a subsequent financial year which is included in the balance sheet, and for such additional periods, but not exceeding seven years, as the Commission may require, where, in the opinion of the Commission, such further disclosure is desirable, or, if the company has been carrying on business for less than three years, then for such time as the company has been carrying on business, accompanied by a report of the auditors of such company stating whether, in their opinion, such statement fairly presents the earnings for the periods. 1945, c. 22, s. 49 (4), *amended*.

(7) In the case of a mining company which has been carrying *Idem.* on business for less than three years but which, prior to the date of the prospectus, acquired control of a business, either directly or by ownership of shares or otherwise, which has been carried on for a period longer than the business of the company, the requirements of clause *b* of subsection 6 shall apply as if the company had been carrying on business for the same period as the business of which it has acquired control.

(8) If the proceeds or any part of the proceeds of the *Idem.* securities offered in the prospectus are or is to be applied directly or indirectly in the purchase of a business, the requirements of clause *b* of subsection 6 shall apply to the net profits or net losses, as the case may be, of both the company and such business. *New.*

(9) Where a change occurs during the period of primary *Corrections.* distribution to the public in any material fact contained in any prospectus, financial statement or report accepted for filing under this section, which is of such a nature as to render such prospectus, financial statement or report misleading, an amended prospectus, financial statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the amended prospectus shall be required to be signed only by the signa-

tories to the original prospectus and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original prospectus the decision of the Commission as to who shall be required to sign the amended prospectus or as to any like matter shall be final. 1945, c. 22, s. 49 (6), *amended*.

New
prospectus,
report and
statements
required
after
expiration of
twelve
months.

(10) Where primary distribution to the public of a security mentioned in subsection 1 is still in progress twelve months from the date of the last prospectus accepted for filing under subsection 1, a new prospectus as required under subsection 1 together with the report required under subsection 2 and the financial statements required under subsection 6 shall be filed with the Commission within twenty days from the expiration of such twelve-month period. *New*.

PART IX.

TRADING IN THE SECURITIES OF AN INDUSTRIAL COMPANY.

Trades in
a security
issued by an
industrial
company on
primary
distribution
to the public.

44.—(1) No person or company shall trade in any security issued by an industrial company either on his or its own account or on behalf of any other person or company where such trade would be in the course of a primary distribution to the public of such security until there has been filed with the Commission a prospectus, and a receipt therefor obtained from the registrar, which prospectus shall be dated and signed by every person who is, at the time of filing, a director or promoter of the industrial company issuing the security or an underwriter or optionee of such security, and which prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth the following information relating to such industrial company,—

1945, c. 22, s. 49 (1), cl. (a), *amended*.

- (a) the full name of the company and the address of the head office;
- (b) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof;
- (c) the general nature of the business actually transacted or to be transacted;
- (d) the officers and directors giving in each case the name in full, present occupation and home address in full;

- (e) the name and address of the auditors;
- (f) the name and address of every registry and transfer agency;
- (g) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating;
- (h) where shares are offered, a description of respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits or capital of each class of shares, including redemption rights, and rights on liquidation or distribution of capital assets, provided that it shall not be necessary to set out such description in respect of any class of shares which will be wholly redeemed or cancelled prior to, contemporaneously with or out of the proceeds of the issue of the shares offered nor any provisions relating to any shares which will have ceased to be effective prior to or contemporaneously with the issue of the shares offered;
- (i) the particulars in respect of any bonds, or debentures outstanding or proposed to be issued, and of any other securities issued or proposed to be issued, which if issued will rank ahead of or *pari passu* with the securities offered;
- (j) the amount and a general description of any substantial indebtedness to be created or assumed, which is not shown in the balance sheet filed with the Commission and also particulars of the security, if any, given or to be given for such indebtedness;
- (k) the particulars of the securities, if any, covered by options outstanding or proposed to be given by the company and the price or prices at which and the date or dates by which such options must be exercised, showing the name of the original grantee of the option and where such original grantee is a company, syndicate or partnership, the names of all persons having more than a five per centum interest therein, provided that where options are evidenced by instruments in bearer or transferable form capable of being freely bought and sold, then to the extent that such options have been or are to be made available to a class of holders of securities of the company, or have been or are to be offered in the course of a primary distribution to the public it shall not be necessary to disclose the names of the grantees except where the grantee is an underwriter;

- (l) the number of securities of each class, which in the case of obligations shall bear an appropriate and correct descriptive title, offered and the issue price and the terms thereof and in the case of a second or subsequent offer of securities the amount offered for subscription on each previous offer within the two preceding years and the amount actually issued and the amount paid up thereon, specifying the amounts received in cash or other consideration respectively and the commission, if any, paid or payable;
- (m) the estimated net proceeds to be derived from the securities offered on the basis of same being fully taken up and paid for;
- (n) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the securities offered are to supply funds and if the funds are to be raised in part from other sources the amount thereof and the sources thereof shall be stated, and particulars of any provision made for the holding in trust of the proceeds of the issue of the securities offered pending or subject to the fulfilment of any conditions;
- (o) where shares are offered by the company or an underwriter, the minimum amount, if any, which in the opinion of the directors must be raised by the issue of those shares in order to provide the sums, or, if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided for the following matters,
 - (i) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue,
 - (ii) any preliminary expenses payable by the company,
 - (iii) any commission payable by the company to any person in consideration of his agreeing to subscribe for or procuring or agreeing to procure subscriptions for any shares in the company,
 - (iv) the repayment of any moneys borrowed by the company in respect of the foregoing matters, and

- (v) the repayment of bank loans, if any;
- (p) the particulars showing the date of and the parties to the agreement, if any, with an underwriter in respect of the securities offered and the remuneration of or price payable by the underwriter for the securities offered;
- (q) any provisions of the by-laws as to the remuneration of the directors;
- (r) the aggregate remuneration paid by the company during its last financial year, if completed at least three months prior to the offer, and estimated to be paid or payable during the current financial year or, if such remuneration is not capable of approximate estimation then the basis of determining same, to directors of the company and, separately stated, to officers of the company who individually have received or may be entitled to receive remuneration in excess of ten thousand dollars per annum;
- (s) the amount, if any, paid within the two preceding years or payable as a commission by the company for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares in or obligations of the company, or the rate of any such commission;
- (t) in the case of a company which has not been carrying on business for more than one year the amount or estimated amount of preliminary expenses;
- (u) the particulars of any property purchased or acquired by the company, or proposed to be purchased or acquired, the purchase price of which is to be defrayed in whole or in part out of the proceeds of the issue or has been paid within the last two preceding years or is to be paid in whole or in part in securities of the company, or the purchase or acquisition of which has not been completed at the date of the statement and the nature of the title or interest therein acquired or to be acquired by the company, provided that this clause shall not apply to transactions entered into in the ordinary course of operations or on the general credit of the company;
- (v) the names and addresses of the vendors of any property under clause u and the amount, specifying separately the amount, if any, for goodwill, paid or payable in cash or securities of the company to

the vendors for the property and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor, provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors, and provided further that where the property consists of securities of any other company purchased or acquired or proposed to be purchased or acquired by the company on substantially similar terms from more than twenty-five separate vendors it shall be sufficient to state the nature and terms of the transaction with particulars of the name and address of each person who is the vendor of securities aggregating more than ten per centum of the total amount of the securities so purchased or acquired or proposed to be purchased or acquired;

- (w) the number and amount of securities which, within the two preceding years, have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash and in the latter case the extent to which they are so paid up, and in either case the consideration for which those securities have been issued or are proposed or intended to be issued;
- (x) where obligations are offered, particulars of the security, if any, which has been or will be created for such obligations, specifying the property, if any, comprised or to be comprised in the security and the nature of the title to the property and, if more than twenty-five per centum in value of such property consists or is to consist of shares or obligations, particulars of the rights, if any, of the company to substitute other shares or obligations;
- (y) the particulars of any services rendered or to be rendered to the company which are to be paid for by the company wholly or partly out of the proceeds of the securities offered or have been within the last two preceding years or are to be paid for by securities of the company exclusive of commissions to be disclosed under clause *o* and amount included under clause *s* and amount included under clause *w*;
- (z) the amount paid within the two preceding years or intended to be paid to any promoter with his name and address and the consideration for such payment;
- (za) the dates of and the parties to and the general nature of every material contract entered into within

the two preceding years, and a reasonable time and place at which any such material contract or a copy thereof may be inspected, but this requirement shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company;

- (zb) full particulars of the nature and extent of the interest, if any, of every director in the promotion of, or in any property acquired by the company within the preceding two years or proposed to be acquired by the company, or, where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or securities or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, but this clause shall not apply in the case of a statement issued more than one year after the date at which the company commenced business, except as to the particulars relating to property proposed to be acquired by the company;
- (zc) in the case of a company which has been carrying on business for less than three years, the length of time during which the business of the company has been carried on, and, if the company has acquired or proposes to acquire, either by direct acquisition or indirectly by ownership of shares or otherwise, a business which has been carried on for less than three years, also the length of time during which such business has been carried on;
- (zd) where shares are offered, the names and addresses of the persons, if known, who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position to, or are entitled to, elect or cause to be elected a majority of the directors of the company;
- (ze) where any securities of the company of the same class as those offered are held in escrow, particulars of the number and description thereof, the name of the depositary, the date on which and the conditions, if any, governing the release of such securities from escrow;
- (zf) where shares are offered, particulars of dividends,

if any, paid during the five years preceding the date of the statement;

- (zg) any other material facts not disclosed in the foregoing;
- (zh) a certification to be signed by the directors and promoters of the company in the following form: *The foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 44 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required; and*
- (zi) a certification to be signed by the underwriters and optionees in the following form: *To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 44 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required. In respect of matters which are not within my knowledge I have relied upon the accuracy and adequacy of the foregoing. New.*

Commission
to be notified
of primary
distribution
to the public.

(2) No person or company shall engage in the primary distribution to the public of such a security as mentioned in subsection 1 until such person or company has notified the Commission in writing of his or its intention to engage in such primary distribution to the public. 1945, c. 22, s. 49 (1), cl. (b), *amended*.

Signing by
agent; non-
availability
of director.

(3) Any director, promoter, underwriter or optionee may sign a prospectus required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such prospectus the Commission may dispense with the requirement for his signature. 1945, c. 22, s. 49 (2), *amended*.

Responsi-
bility
of under-
writer;
optionee.

(4) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any prospectus filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee. 1945, c. 22, s. 49 (3), *amended*.

Balance
sheet and
report by
auditors.

(5) Financial statements of an industrial company in a form acceptable to the Commission, or if such company has

any subsidiaries and unless the Commission otherwise directs, consolidated financial statements of such company and all its subsidiaries in a form acceptable to the Commission, as at the end of the last completed financial year of such company or as at a date not more than one hundred and twenty days prior to the date of the prospectus under subsection 1, whichever be the later date, or as at such other date as the Commission may approve, shall accompany the prospectus required under subsection 1 as follows,—

- (a) a balance sheet approved by two directors of such company and accompanied by a report of the auditors of such company, who shall be persons acceptable to the Commission, containing a reasonably comprehensive statement as to the examination made and stating whether, in their opinion, the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the affairs of such company or of such company and its subsidiaries, as the case may be, and as shown by the books of such company or of such company and such of its subsidiaries as are consolidated in the balance sheet; and
 - (b) a statement with respect to net profits and the nature and source thereof, or net losses, as the case may be, in respect of the last three completed financial years, year by year, and any part of a subsequent financial year which is included in the balance sheet, and for such additional periods, but not exceeding seven years, as the Commission may require, where, in the opinion of the Commission, such further disclosure is desirable, or, if the company has been carrying on business for less than three years, then for such time as the company has been carrying on business, accompanied by a report of the auditors of such company stating whether, in their opinion, such statement fairly presents the earnings for the periods.
- 1945, c. 22, s. 49 (4), *amended*.

(6) In the case of an industrial company which has been *Idem.* carrying on business for less than three years but which, prior to the date of the prospectus, acquired control of a business, either directly or by ownership of shares or otherwise, which has been carried on for a period longer than the business of the company, the requirements of clause *b* of subsection 5 shall apply as if the company had been carrying on business for the same period as the business of which it has acquired control.

(7) If the proceeds or any part of the proceeds of the *Idem.* securities offered in the prospectus are or is to be applied

directly or indirectly in the purchase of a business, the requirements of clause *b* of subsection 5 shall apply to the net profits or net losses, as the case may be, of both the company and such business. *New.*

Pro forma
balance
sheet.

(8) A *pro forma* balance sheet of an industrial company in a form acceptable to the Commission, or if such company has any subsidiaries and unless the Commission otherwise directs, a *pro forma* consolidated balance sheet of such company and all its subsidiaries in a form acceptable to the Commission and approved by two directors of such company and reported upon by the auditors of such company, as at the same date as the financial statements required under subsection 5 or, if no financial statements are required under subsection 5, as at a date acceptable to the Commission, and which *pro forma* balance sheet purports to give effect to the sale, issue or redemption of securities issued or to be issued by such company, may, if the Commission so requires or permits, accompany the prospectus required under subsection 1 or the financial statements required under subsection 5, as the case may be, provided that the preface to such *pro forma* balance sheet gives a plain and full disclosure of the assumptions upon which such *pro forma* balance sheet is based. *New.*

Corrections.

(9) Where a change occurs during the period of primary distribution to the public in any material fact contained in any prospectus, financial statement or report accepted for filing under this section, which is of such a nature as to render such prospectus, financial statement or report misleading, an amended prospectus, financial statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the amended prospectus shall be required to be signed only by the signatories to the original prospectus and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original prospectus the decision of the Commission as to who shall be required to sign the amended prospectus or as to any like matter shall be final. 1945, c. 22, s. 49 (6), *amended.*

New prospectus and statements required after expiration of twelve months.

(10) Where primary distribution to the public of a security mentioned in subsection 1 is still in progress twelve months from the date of the last prospectus accepted for filing under subsection 1, a new prospectus as required under subsection 1 together with the financial statements required under subsection 5 shall be filed with the Commission within twenty days from the expiration of such twelve-month period. *New.*

PART X.

TRADING IN THE SECURITIES OF AN INVESTMENT COMPANY.

45.—(1) No person or company shall trade in any security issued by an investment company either on his or its own account or on behalf of any other person or company where such trade would be in the course of a primary distribution to the public of such security until there has been filed with the Commission a prospectus, and a receipt therefor obtained from the registrar, which prospectus shall be dated and signed by every person who is, at the time of filing, a director or promoter of the investment company issuing the security or an underwriter or optionee of such security, and which prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth the following information relating to such investment company,—

Trades in a security issued by an investment company on primary distribution to the public.

1945, c. 22, s. 49 (1), cl. (a), *amended*.

- (a) the full name of the company and the address of the head office;
- (b) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof;
- (c) the general nature of business actually transacted or to be transacted giving full particulars of investment powers and duties;
- (d) the officers and directors giving in each case the name in full, present occupation and home address in full;
- (e) the names and home addresses in full of the persons constituting any investment advisory committee or similar body together with a concise statement of powers and duties, and giving the business experience of such persons for the preceding five years, and where such persons are officers or directors of other companies, so stating, giving the names of such companies;
- (f) the name and address of the auditors;
- (g) the name and address of every registry and transfer agency;

- (h) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating;
- (i) where shares are offered, a description of respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits or capital of each class of shares, including redemption rights, and rights on liquidation or distribution of capital assets, provided that it shall not be necessary to set out such description in respect of any class of shares which will be wholly redeemed or cancelled prior to, contemporaneously with or out of the proceeds of the issue of the shares offered nor any provisions relating to any shares which will have ceased to be effective prior to or contemporaneously with the issue of the shares offered;
- (j) particulars in respect of any bonds, or debentures outstanding or proposed to be issued, and of any other securities issued or proposed to be issued, which if issued will rank ahead of or *pari passu* with the securities offered;
- (k) the names and addresses in full of any trustees and the particulars of any trustee agreements where assets are held to protect the liability to the public in respect of securities sold to the public and if not applicable so stating;
- (l) the amount and general description of any substantial indebtedness to be created or assumed, which is not shown in the balance sheet filed with the Commission and also particulars of the security, if any, given or to be given for such indebtedness;
- (m) particulars of the securities, if any, covered by options outstanding or proposed to be given by the company and the price or prices at which and the date or dates by which such options must be exercised, showing the name of the original grantee of the option and where such original grantee is a company, syndicate or partnership, the names of all persons having more than a five per centum interest therein, provided that where options are evidenced by instruments in bearer or transferable form capable of being freely bought and sold, then to the extent that such options have been or are to be made available to a class of holders of securities of the company, or have been or are to be offered in the

course of a primary distribution to the public it shall not be necessary to disclose the names of the grantees except where the grantee is an underwriter;

- (n) a brief description of the method by which the securities offered will be sold to the public;
- (o) the number of securities of each class, which in the case of obligations shall bear an appropriate and correct descriptive title, offered and the issue price and the terms thereof and in the case of a second or subsequent offer of securities the amount offered for subscription on each previous offer within the two preceding years and the amount actually issued and the amount paid up thereon, specifying the amounts received in cash or other consideration respectively and the commission, if any, paid or payable;
- (p) the estimated net proceeds to be derived from the securities offered on the basis of same being fully taken up and paid for;
- (q) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the securities offered are to supply funds and if the funds are to be raised in part from other sources the amount thereof and the sources thereof shall be stated, and particulars of any provision made for the holding in trust of the proceeds of the issue of the securities offered pending or subject to the fulfilment of any conditions;
- (r) where shares are offered by the company or an underwriter, the minimum amount, if any, which in the opinion of the directors must be raised by the issue of those shares in order to provide the sums, or, if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided for the following matters,
 - (i) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue,
 - (ii) any preliminary expenses payable by the company,
 - (iii) any commission payable by the company to any person in consideration of his agreeing to subscribe for or procuring or agreeing to

procure subscriptions for any shares in the company,

- (iv) the repayment of any moneys borrowed by the company in respect of the foregoing matters, and,
- (v) the repayment of bank loans, if any;
- (s) particulars showing the date of and the parties to the agreement, if any, with an underwriter in respect of the securities offered and the remuneration of or price payable by the underwriter for the securities offered;
- (t) any provisions of the by-laws as to the remuneration of the directors and of the persons constituting the investment advisory committee or similar body, if any;
- (u) the aggregate remuneration paid by the company during its last financial year, if completed at least three months prior to the offer, and estimated to be paid or payable during the current financial year or, if such remuneration is not capable of approximate estimation then the basis of determining same, to directors of the company and, separately stated, to officers of the company who individually have received or may be entitled to receive remuneration in excess of ten thousand dollars per annum;
- (v) the amount, if any, paid within the two preceding years or payable as a commission by the company for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any securities of the company, or the rate of any such commission;
- (w) in the case of a company which has not been carrying on business for more than one year the amount or estimated amount of preliminary expenses;
- (x) particulars of any property purchased or acquired by the company, or proposed to be purchased or acquired, the purchase price of which is to be defrayed in whole or in part out of the proceeds of the issue or has been paid within the last two preceding years or is to be paid in whole or in part in securities of the company, or the purchase or acquisition of which has not been completed at the date of the statement and the nature of the title or interest therein acquired or to be acquired by the company, provided that this

clause shall not apply to transactions entered into in the ordinary course of operations or on the general credit of the company;

- (y) the names and addresses of the vendors of any property under clause *x* and the amount, specifying separately the amount, if any, for goodwill, paid or payable in cash or securities of the company to the vendors for the property and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor, provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors, and provided further that where the property consists of securities of any other company purchased or acquired or proposed to be purchased or acquired by the company on substantially similar terms from more than twenty-five separate vendors it shall be sufficient to state the nature and terms of the transaction with particulars of the name and address of each person who is the vendor of securities aggregating more than ten per centum of the total amount of the securities so purchased or acquired or proposed to be purchased or acquired;
- (z) the number and amount of securities which, within the two preceding years, have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash and in the latter case the extent to which they are so paid up, and in either case the consideration for which those securities have been issued or are proposed or intended to be issued;
- (za) where obligations are offered, particulars of the security, if any, which has been or will be created for such obligations, specifying the property, if any, comprised or to be comprised in the security and the nature of the title to the property and, if more than twenty-five per centum in value of such property consists or is to consist of shares or obligations, particulars of the rights, if any, of the company to substitute other shares or obligations;
- (zb) particulars of any services rendered or to be rendered to the company which are to be paid for by the company wholly or partly out of the proceeds of the securities offered or have been within the last two preceding years or are to be paid for by securities of the company exclusive of commissions to be disclosed under clause *r* and amount included under clause *v* and amount included under clause *z*;

- (zc) the amount paid within the two preceding years or intended to be paid to any promoter with his name and address and the consideration for such payment;
- (zd) the dates of and the parties to and the general nature of every material contract entered into within the two preceding years, and a reasonable time and place at which any such material contract or a copy thereof may be inspected, but this requirement shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company;
- (ze) full particulars of the nature and extent of the interest, if any, of every director in the promotion of, or in any property acquired by the company within the preceding two years or proposed to be acquired by the company or, where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or securities or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, but this clause shall not apply in the case of a statement issued more than one year after the date at which the company commenced business, except as to the particulars relating to property proposed to be acquired by the company;
- (zf) in the case of a company which has been carrying on business for less than three years, the length of time during which the business of the company has been carried on, and, if the company has acquired or proposes to acquire, either by direct acquisition or indirectly by ownership of shares or otherwise, a business which has been carried on for less than three years, also the length of time during which such business has been carried on;
- (zg) where shares are offered, the names and addresses of the persons, if known, who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position to, or are entitled to, elect or cause to be elected a majority of the directors of the company;
- (zh) the particulars of dividends, if any, paid during the five years preceding the date of the statement;

(zi) any other material facts not disclosed in the foregoing;

(zj) a certification to be signed by the directors and promoters of the company in the following form: *The foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 45 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required; and*

(zk) a certification to be signed by the underwriters and optionees in the following form: *To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 45 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required. In respect of matters which are not within my knowledge I have relied upon the accuracy and adequacy of the foregoing. New.*

(2) No person or company shall engage in the primary distribution to the public of such a security as mentioned in subsection 1 until such person or company has notified the Commission in writing of his or its intention to engage in such primary distribution to the public. 1945, c. 22, s. 49 (1), cl. (b), *amended*. Commission to be notified of primary distribution to the public.

(3) Any director, promoter, underwriter or optionee may sign a prospectus required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such prospectus the Commission may dispense with the requirement for his signature. 1945, c. 22, s. 49 (2), *amended*. Signing by agent; non-availability of director.

(4) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any prospectus filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee. 1945, c. 22, s. 49 (3), *amended*. Responsibility of underwriter, optionee

(5) Financial statements of an investment company in a form acceptable to the Commission, or if such company has any subsidiaries and unless the Commission otherwise directs, consolidated financial statements of such company and all its subsidiaries in a form acceptable to the Commission, as at the end of the last completed financial year of such company or as at a date not more than one hundred and twenty days prior Balance sheet, reports and statements.

to the date of the prospectus under subsection 1, whichever be the later date, or as at such other date as the Commission may approve, shall accompany the prospectus required under subsection 1 as follows,—

(a) a balance sheet approved by two directors of such company and accompanied by a report of the auditors of such company, who shall be persons acceptable to the Commission, containing a reasonably comprehensive statement as to the examination made and stating whether, in their opinion, the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the affairs of such company or of such company and its subsidiaries, as the case may be, and as shown by the books of such company or of such company and such of its subsidiaries as are consolidated in the balance sheet; 1945, c. 22, s. 49 (4), *part, amended*.

(b) a statement with respect to the portfolio of investments of such company or such company and all its subsidiaries, as the case may be, as at the date of the balance sheet, which statement shall be drawn up so as to distinguish separately at least the following classes of investments and showing as to each class, the aggregate value at which such investments are carried on the books of the company or such company and all its subsidiaries, as the case may be, with the basis thereof and the aggregate market value, where market values are obtainable,

(i) direct and guaranteed securities of the government of the Dominion of Canada,

(ii) direct and guaranteed securities of the government of any province of the Dominion of Canada,

(iii) securities of any municipal corporation in the Dominion of Canada,

(iv) securities of or guaranteed by any government in the British Commonwealth of Nations or any colony or dependency thereof,

(v) securities of or guaranteed by the government of any foreign country or state forming a portion of such foreign country,

(vi) mortgages and agreements for sale, and

- (vii) other securities, listing each issue separately, and showing for each issue, where applicable, the quantity held, principal amount, maturity date, interest or dividend rate, cost, the valuation on the books with the basis thereof and the market value where the market value is obtainable,

provided that one group of investments not exceeding ten per centum of the aggregate value at which all investments in the portfolio are carried on the books of such company or such company and all its subsidiaries, as the case may be, may be listed in one amount as miscellaneous securities, and such statement shall be reported upon by the auditors of such company, which auditors shall state whether, in their opinion, the statement fairly presents the information it purports to show; *New.*

- (c) a statement with respect to net profits and the nature and source thereof, or net losses, as the case may be, in respect of the last three completed financial years, year by year, and any part of a subsequent financial year which is included in the balance sheet, and for such additional periods, but not exceeding seven years, as the Commission may require, where, in the opinion of the Commission, such further disclosure is desirable, or, if the company has been carrying on business for less than three years, then for such time as the company has been carrying on business, accompanied by a report of the auditors of such company stating whether, in their opinion, such statement fairly presents the earnings for the periods; 1945, c. 22, s. 49 (4), *part, amended.*

- (d) statements of surplus and profit and loss of such company or of such company and all its subsidiaries, as the case may be, pertaining to the last completed financial year and any part of a financial year included in the balance sheet; and 1945, c. 22, s. 49 (4), *part, amended.*

- (e) in the case of an investment company which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a similar type, a report by the auditors of such company with respect to the adequacy of the recorded liabilities of such company to the holders of such securities. *New.*

- (6) In the case of an investment company which has been *Idem.* carrying on business for less than three years but which, prior

to the date of the prospectus, acquired control of a business, either directly or by ownership of shares or otherwise, which has been carried on for a period longer than the business of the company, the requirements of clause *c* of subsection 5 shall apply as if the company had been carrying on business for the same period as the business of which it has acquired control.

Idem.

(7) If the proceeds or any part of the proceeds of the securities offered in the prospectus are or is to be applied directly or indirectly in the purchase of a business, the requirements of clause *c* of subsection 5 shall apply to the net profits or net losses, as the case may be, of both the company and such business. *New.*

Corrections.

(8) Where a change occurs during the period of primary distribution to the public in any material fact contained in any prospectus, financial statement or report accepted for filing under this section, which is of such a nature as to render such prospectus, financial statement or report misleading, an amended prospectus, financial statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the amended prospectus shall be required to be signed only by the signatories to the original prospectus and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original prospectus the decision of the Commission as to who shall be required to sign the amended prospectus or as to any like matter shall be final. 1945, c. 22, s. 49 (6), *amended.*

New prospectus and statements required after expiration of twelve months.

(9) Where primary distribution to the public of a security mentioned in subsection 1 is still in progress twelve months from the date of the last prospectus accepted for filing under subsection 1, a new prospectus as required under subsection 1 together with the financial statements required under subsection 5 shall be filed with the Commission within twenty days from the expiration of such twelve-month period. *New.*

PART XI.

GENERAL PROVISIONS RELATING TO MINING, INDUSTRIAL, AND INVESTMENT COMPANIES.

Exemptions. **46.** Sections 43, 44 and 45 shall not apply to the sale of any securities,—

- (a) which are mentioned in subsection 2 of section 19;
- (b) which are listed and posted for trading on any recog-

nized stock exchange where such securities are sold through such stock exchange;

- (c) which are traded or sold to the public except in the primary distribution to the public thereof; or
- (d) from one person or company registered for trading in securities under this Act to another person or company registered for trading in securities under this Act where the purchasing person or company is acting as principal. 1945, c. 22, s. 49 (7); 1946, c. 86, s. 6, *amended*.

47.—(1) Where doubt exists whether any trade proposed or intended to be made in a security would be in the primary distribution to the public of the security, the Commission may, upon the application of any of the parties thereto, determine whether the proposed or intended trade would be in the course of the primary distribution to the public of the security and rule accordingly and such ruling shall be final and there shall be no appeal therefrom. Doubt as to nature of trade.

(2) Where doubt exists whether a primary distribution to the public of any security,— Doubt as to primary distribution.

(a) has been concluded; or

(b) is currently in progress,

the Commission may determine the question and rule accordingly and such ruling shall be final and there shall be no appeal therefrom. 1945, c. 22, s. 50.

48.—(1) Where a person or company proposing to make a primary distribution to the public of previously distributed securities of any company is unable to obtain from the company which is the issuer of such securities, information or material which is necessary for the purpose of complying with section 43, 44 or 45, as the case may be, the Commission may order the company which is the issuer of such securities to furnish to the person or company who or which proposes to make the distribution, such information and material as the Commission deems necessary for the purposes of the distribution upon such terms and subject to such conditions as it deems proper and all such information and material may be used by the person or company to whom it is furnished for the purpose of complying with this Act. Previously distributed securities, information re:

(2) Where a person or company proposing to make a primary distribution to the public of previously distributed securities of any company is unable to obtain any or all of the Inability to obtain signatures.

signatures to the prospectus as required under subsection 1 of section 43, subsection 1 of section 44 or subsection 1 of section 45, as the case may be, or otherwise to comply with section 43, 44 or 45, as the case may be, the Commission may, upon being satisfied that all reasonable efforts have been made to comply with section 43, 44 or 45, as the case may be, and that no person is likely to be prejudicially affected by the failure to comply, make such order, waiving any of the provisions of section 43, 44 or 45, as it deems advisable, upon such terms and subject to such conditions as it deems proper. 1945, c. 22, s. 51, *amended*.

Acceptance;
refusal of
prospectus,
statement or
report.

49. The Commission may in its discretion accept for filing any prospectus, financial statement or report or amended prospectus, financial statement or report submitted for filing under section 43, 44 or 45, as the case may be, and direct the registrar to issue a receipt therefor unless it appears to the Commission that,—

- (a) the prospectus, or any financial statement or report which is required to accompany the prospectus,
 - (i) fails to comply in any substantial respect with any of the requirements of section 43, 44 or 45, as the case may be, or
 - (ii) contains any statement, promise or forecast which is misleading, false or deceptive, or
 - (iii) has the effect of concealing material facts; or
- (b) an unconscionable consideration has been paid or given or is intended to be paid or given,
 - (i) for promotional purposes, or
 - (ii) for the acquisition of property; or
- (c) the proceeds from the sale of the securities which are to be paid into the treasury of the company, together with other resources of the company, are insufficient to accomplish the objects indicated in the prospectus; or
- (d) such escrow or pooling agreement as the Commission deems necessary or advisable with respect to securities issued for a consideration other than cash has not been entered into. 1945, c. 22, s. 52, *amended*.

Notice of
refusal.

50. Where the Commission decides not to accept for filing a prospectus submitted for filing under section 43, 44 or 45, as

the case may be, it shall forthwith cause notice of such decision to be served upon the person who or company which has submitted such prospectus for filing. 1945, c. 22, s. 53, *amended*.

51.—(1) Where it appears to the Commission subsequent to the filing of a prospectus or an amended prospectus under section 43, 44 or 45, as the case may be, and the issue of a receipt therefor, that any of the circumstances set out in section 49 exist, it may order that all trading in the primary distribution to the public of the securities to which such prospectus relates, shall cease. ^{Order to cease trading.}

(2) A notice of every order made under this section shall be served upon the person who or company which filed the prospectus and upon every person or company registered for trading in securities under this Act who or which has notified the Commission of his or its intention to engage in the primary distribution to the public of the securities and forthwith upon the receipt of such notice,— ^{Notice of order.}

(a) no further trades shall be made in the primary distribution to the public of the securities named in the order by any person or company; and

(b) the prospectus or amended prospectus in question shall, for the purposes of this Act, be deemed not to be filed with the Commission and any receipt received therefor shall be deemed to be revoked.

(3) Where a notice is sent by prepaid mail under subsection 2, it shall be presumed to be received by the person or company to whom it is addressed in the ordinary course of post. 1945, c. 22, s. 54, *amended*. ^{Presumption of receipt.}

52.—(1) Every person or company registered for trading in securities under this Act who receives from any person an order or subscription for a security to which section 43, 44 or 45 is applicable after having solicited such person to purchase such security shall, before entering into a contract for the sale of such security and before accepting payment or receiving any security under any such contract or in anticipation of making such a contract, deliver or cause to be delivered to such person a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with,— ^{Delivery of prospectus to purchaser.}

(a) a copy of the last financial statements and reports accepted for filing by the Commission, where financial statements and reports are required to be filed; and

- (b) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where such report is required to be filed.

Prospectus
to be de-
livered to
purchaser of
securities.

(2) Every person or company registered for trading in securities under this Act who receives from any person an order or subscription for a security to which section 43, 44 or 45 is applicable and who has not solicited such person to purchase such security shall, at any time not later than the delivery of the written confirmation of the sale of such security, deliver or cause to be delivered to such person a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with,—

- (a) a copy of the last financial statements and reports accepted for filing by the Commission, where such financial statements and reports are required to be filed; and
- (b) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where such report is required to be filed. 1945, c. 22, s. 55, *amended*.

When sec-
tion not
applicable.

(3) This section shall not be applicable to,—

- (a) a trade through a person or company registered for trading in securities under this Act who is not engaged in the primary distribution to the public of the security but is acting as the agent of the purchaser; or
- (b) a sale by a person who is not engaged in the primary distribution to the public of the security. 1946, c. 86, s. 7, *amended*.

Rescission of
contract.

53.—(1) A person who has entered into a contract to which section 52 applies shall be entitled to rescission of the contract where,—

- (a) section 52 has not been complied with;
- (b) written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within,
 - (i) seven days of the date of the delivery of a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with a copy of the financial

statements and reports and summary of report, where required, provided that the date of such delivery is within sixty days of the date of the delivery of the written confirmation of the sale of the security, or

- (ii) sixty days of the date of the delivery of the written confirmation of the sale of the security provided that at the time such notice of exercising the right of rescission is served, a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with a copy of the financial statements and reports and summary of report, where required, have not been delivered; and

(c) the purchaser is still the owner of the security.

(2) In an action for rescission to which this section applies, ^{Onus.} the onus of proving compliance with section 52 shall be upon the person or company registered for trading in securities under this Act.

(3) No action shall be commenced under this section after ^{Period of limitation.} the expiration of a period of three months from the date of the service of notice under subsection 1. 1945, c. 22, s. 56, *amended.*

PART XII.

PROVISIONS RELATING TO TRADING IN SECURITIES GENERALLY.

54. No term in a contract between a person or company registered for trading in securities under this Act who acts as an agent, and a customer relating to any right of such person or company registered for trading in securities under this Act in respect of any security, shall be binding upon the customer where the Commission has declared such right to be unreasonable by notice in writing sent by registered mail to such person or company registered for trading in securities under this Act and to every stock exchange operating in Ontario, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario. 1945, c. 22, s. 57, *amended.* ^{Term of contract declared unreasonable.}

55. Every broker who has acted as agent for a customer in the purchase or sale of a security upon a stock exchange shall promptly send or deliver to the customer a written confirmation of the transaction setting forth,— ^{Confirmation to customers.}

- (a) the quantity and description of the security;
- (b) the consideration;
- (c) the name of the person or company from or to or through whom the security was bought or sold;
- (d) the day, and the name of the stock exchange, upon which the transaction took place; and
- (e) the commission charged in respect of such purchase or sale. 1945, c. 22, s. 58.

Confirmation
of unlisted
trades.

56. Every person or company registered for trading in securities under this Act who has acted either as principal or agent in connection with any trade in a security other than a trade upon a stock exchange shall promptly send to each customer a written confirmation of the transaction setting forth,—

- (a) the quantity and description of the security;
- (b) the consideration;
- (c) whether or not the person or company registered for trading in securities under this Act is acting as principal or agent;
- (d) the commission, if any, charged in respect of such purchase or sale;
- (e) the name of the salesman, if any, in the transaction; and
- (f) the day upon which the transaction took place.
1945, c. 22, s. 59, *amended*.

Calling at or
telephoning
residence.

57.—(1) No person shall,—

- (a) call at any residence; or
- (b) telephone from within Ontario to any residence within or outside of Ontario,

for the purpose of trading in any security with any member of the public. 1945, c. 22, s. 60 (1).

Exceptions.

(2) Subsection 1 shall not apply,—

- (a) where the person calls at or telephones to the residence,

(i) of a close personal friend, a business associate or a customer with whom or on whose behalf the person calling or telephoning has been in the habit of trading in securities, or

(ii) of a person who has requested in writing that information respecting a specific security be furnished him by the person so calling or telephoning, but in such case the person so calling or telephoning shall call or telephone only in reference to that security; or

(b) to a trade or trades in any securities in respect of which registration is not required under this Act. 1945, c. 22, s. 60 (2); 1946, c. 86, s. 8, *amended*.

(3) In this section "residence" shall include any building or part of a building in which the occupant resides either permanently or temporarily and any premises appurtenant thereto. 1945, c. 22, s. 60 (3). "Residence",—
meaning of.

58.—(1) No person or company, with the intention of effecting a trade in a security, shall make any representation, written or oral, that he or it or any person or company,— Prohibition of representations.

(a) will resell or repurchase; or

(b) will refund all or any of the purchase price of, any security in which he or it is trading. 1945, c. 22, s. 61 (1), *part, amended*.

(2) No person or company, with the intention of effecting a trade in a security, shall give any undertaking, written or oral, relating to the future value or price of such security. 1945, c. 22, s. 61 (2), *amended*. Promises.

(3) No person or company, with the intention of effecting a trade in a security, shall, except with the written permission of the Commission, make any representation, written or oral, that such security will be listed on any stock exchange or that application has or will be made to list such security upon any stock exchange. 1945, c. 22, s. 61 (1), *part, amended*. Representation that security will be listed on stock exchange.

59.—(1) Where a person or company registered for trading in securities under this Act,— Notice where acting as principal.

(a) with the intention of effecting a trade in a security,

(i) issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, or

(ii) makes an oral offer or invitation for an offer to any person; and

(b) proposes to act in such trade as a principal,

such person or company shall so indicate in such circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of any such security and before accepting payment or receiving any security or other consideration under or in anticipation of any contract for the sale or purchase of any security mentioned in clause *a*.

(2) A statement made in compliance with subsection 1 that a person or company registered for trading in securities under this Act proposes to act as a principal in connection with a trade in a security shall not prevent such person or company from acting as an agent in connection with a trade in such security. 1945, c. 22, s. 62, *amended*.

Rescission
of contract.

60.—(1) A person who has entered into a contract to which section 59 applies shall be entitled to rescission of the contract where,—

(a) section 59 has not been complied with; and

(b) written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within sixty days of the date of the delivery of the security to or by such person, as the case may be; and

(c) in the case of a purchase by such person, he is still the owner of the security purchased.

Onus.

(2) In an action for rescission to which this section applies the onus of proving compliance with section 59 shall be upon the person or company registered for trading in securities under this Act. 1945, c. 22, s. 63 (1, 2), *amended*.

Period of
limitation.

(3) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1. 1945, c. 22, s. 63 (3).

Investment
counsel's
financial
interest.

61. Every registered investment counsel shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest which he may have either

directly or indirectly in any securities referred to therein or in the sale or purchase thereof including,—

- (a) any ownership, beneficial or otherwise, which he may have in such securities or in any securities issued by the same company;
- (b) any option which he may have in respect of such securities, and the terms thereof;
- (c) any commission or other remuneration which he has received or may expect to receive from any person or company registered for trading in securities under this Act or otherwise in connection with any trade in such securities;
- (d) any financial arrangement which he may have with any person or company registered for trading in securities under this Act relating to such securities; and
- (e) any financial arrangement which he may have with any underwriter or other person who has any interest in the securities. 1945, c. 22, s. 64, *amended*.

62. Every partnership or company registered for trading in securities under this Act shall publish the name of every person having an interest, either directly or indirectly, to the extent of not less than ten per centum in the capital of the partnership or company, as the case may be, on all letterheads, circulars and other stationery upon which the name of the partnership or company appears and which contain any offer or solicitation respecting a trade in securities. 1945, c. 22, s. 65, *amended*. Publication of names.

63. No person or company registered under this Act shall use the name of another person or company registered under this Act on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he or it is a partner, officer or agent of the other person or company registered under this Act. 1945, c. 22, s. 66, *amended*. Use of name of another registered person or company.

64. No person or company shall hold himself or itself out as being registered under this Act by having printed in a circular, pamphlet, advertisement, letter, telegram or other stationery that he or it is so registered. 1945, c. 22, s. 68, *amended*. Registration not to be advertised.

65. No person or company who is not registered under this Act shall, either directly or indirectly, hold himself or itself out as being so registered. 1945, c. 22, s. 69, *amended*. Holding out by un-registered persons.

Advertising
Commis-
sion's
approval.

66. No person or company shall make any representation, written or oral, that the Commission has in any way passed upon the financial standing, fitness or conduct of any person or company registered under this Act or upon the merits of any security. 1945, c. 22, s. 70, *amended*.

Margin
contracts.

67.—(1) Where a person, or a member or employee of a partnership, or a director, officer or employee of a company after he, or the partnership or company has contracted as a person or company registered for trading in securities under this Act, with any customer to buy and carry upon margin any securities of any person or company either in Canada or elsewhere, and while such contract continues sells or causes to be sold, securities of the same person or company for any account in which,—

(a) he;

(b) his firm or a partner thereof; or

(c) the company or a director thereof,

has a direct or indirect interest, if the effect of such sale shall, otherwise than unintentionally, be to reduce the amount of such securities in the hands of the person or company registered for trading in securities under this Act or under his or its control in the ordinary course of business below the amount of such securities which he or it should be carrying for all customers, any such contract with a customer shall at the option of such customer be void, and the customer may recover from the person or company registered for trading in securities under this Act, all moneys paid with interest thereon or securities deposited in respect thereof.

Exercise of
option.

(2) The customer may exercise such option by a registered letter to that effect addressed to the person or company registered for trading in securities under this Act, at his or its address for service in Ontario. 1945, c. 22, s. 73, *amended*.

PART XIII.

OFFENCES AND PENALTIES.

Penalties.

68.—(1) Every person, including any officer, director, official or employee of a company, who is knowingly responsible for,—

(a) any fictitious or pretended trade in any security;

- (b) any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser or the vendor of any security as to the nature of any transaction or as to the value of such security;
- (c) the making of any material false statement in any application, information, statement, material or evidence submitted or given to the Commission, its representative, the registrar or any person appointed to make an investigation or audit under this Act, under the provisions of this Act or the regulations;
- (d) the furnishing of false information in any report, statement, return, balance sheet or other document required to be filed or furnished under this Act or the regulations;
- (e) the commission of any act or failure to perform any act where such commission or failure constitutes a violation of any provision of this Act or the regulations; or
- (f) failure to observe or comply with any order, direction or other requirement made under this Act or the regulations,

shall be liable to a penalty of not more than \$2,000 or to imprisonment for a term not exceeding one year or both. 1945, c. 22, s. 74 (1), *amended*.

(2) The provisions of subsection 1 shall be deemed to apply, *Companies. mutatis mutandis*, to any company save that the money penalties may be increased in the discretion of the magistrate to a sum not exceeding \$25,000. 1945, c. 22, s. 74 (2).

69.—(1) No proceedings under section 68 shall be instituted except with the consent or under the direction of the Attorney General. Consent before action.

(2) No proceedings under section 68 shall be commenced more than six months after the facts upon which the proceedings are based first came to the knowledge of the Commission. Time for commencement of action.
1945, c. 22, s. 75.

70. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. 1945, c. 22, s. 76. Recovery of penalties. Rev. Stat., c. 136.

PART XIV.

GENERAL PROVISIONS.

Stock
exchanges.

71. No person or company shall carry on business as a stock exchange without the consent in writing of the Commission. 1945, c. 22, s. 31.

Record.

72. Every stock exchange in Ontario shall keep a record showing the time at which each transaction on such exchange took place and shall supply to any customer of any member of such exchange, upon production of a written confirmation of any transaction with such member, particulars of the time at which such transaction took place and verification or otherwise of the matters set forth in such confirmation. 1945, c. 22, s. 32.

Liability of
directors,
promoters,
etc., for
untrue
statements in
prospectus.

73.—(1) Where a prospectus has been accepted for filing by the Commission under the provisions of this Act, every purchaser of the securities to which the prospectus relates shall be deemed to have relied upon the representations made in the prospectus whether the purchaser has received the prospectus or not and, if any material false statement is contained in the prospectus, every person who is a director of the company issuing the securities at the time of the issue of the prospectus, and every person who, having authorized such naming of him, is named in the prospectus as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company, and every person who has authorized the issue of the prospectus, shall be liable to pay compensation to all persons who have purchased the securities for any loss or damage such persons may have sustained, unless it is proved that,—

Where not
liable.

- (a) having consented to become a director of the company, he withdrew his consent before the issue of the prospectus, and that the prospectus was issued without his authority or consent; or
- (b) the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued; or
- (c) after the issue of the prospectus and before a sale of the securities, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of such withdrawal and of the reason therefor; or

- (d) with respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable grounds to believe and did up to the time of the sale of the securities, believe that the statement was true; or
- (e) with respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy or extract from the report or valuation, but the director, person named as director, promoter, or person who authorized the issue of the prospectus, shall be liable to pay compensation as aforesaid, if it is proved that he had no reasonable grounds to believe that the person making the statement, report or valuation was competent to make it; or
- (f) with respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document.

(2) In this section "prospectus" shall include every statement and report and summary of report required to be filed with the prospectus under this Act. *New.* "Prospectus", defined.

74. Except with the consent of the Attorney General no action, etc., against persons administering Act.
 action whatever and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted,—

- (a) against any person whether in his public or private capacity, or against any company in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the regulations where such person is a member of the Commission, a representative of the Commission or the registrar, or where such person or company was proceeding under the written or verbal direction or consent of any one of them or under an order of the Attorney General made under the provisions of this Act; or
- (b) against any exchange auditor, district association auditor, or association auditor employed under the provisions of clause *b* of section 38 in respect of the

performance of his duties as such. 1945, c. 22, s. 77,
amended.

Regulations. 75. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing requirements respecting applicants for registration;
- (b) prescribing the classes of negotiable securities which may be accepted as collateral security for a bond;
- (c) regulating and listing and trading of securities and records relating thereto;
- (d) governing the furnishing of information by any person or company registered under this Act to the public in connection with securities or trades therein;
- (e) governing the keeping of accounts and records and the preparation and filing of financial statements of the affairs of security issuers;
- (f) designating any person or company or any class of persons or companies which shall not be required to obtain registration as investment counsel;
- (g) prescribing the fees payable to the Commission, including fees for filing, fees upon applications for registration, fees in respect of audits made by the Commission and other fees in connection with the administration of this Act and the regulations;
- (h) prescribing the amount and form of bonds to be furnished to the Commission by applicants for registration;
- (i) prescribing the form, contents and other particulars relating to statements, agreements and other information required to be filed, furnished or delivered under this Act and the regulations;
- (j) prescribing the practice and procedure upon investigations under sections 26 and 28;
- (k) prescribing the forms for use under this Act and the regulations;
- (l) prescribing trades or securities, in addition to the trades and securities mentioned in section 19, in respect of which registration shall not be required;

- (m) prescribing trades or securities mentioned in section 19 in respect of which there shall cease to be exemption from registration;
- (n) prescribing terms and conditions which shall be contained in an escrow or pooling agreement with respect to securities issued for a consideration other than cash; and
- (o) generally for the better carrying out of the provisions of this Act and for the more efficient administration thereof. 1945, c. 22, s. 78; 1946, c. 86, s. 9, *amended*.

76. A statement as to,—

Certificate
as evidence.

- (a) the registration or non-registration of any person or company;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Commission; or
- (c) any other matter pertaining to such registration, non-registration, filing or non-filing or to any such person, document or material,

purporting to be certified by the Commission or a member thereof or by the registrar shall, without proof of the office or signature of the person certifying, be receivable in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. 1945, c. 22, s. 79.

77.—(1) Where a magistrate or justice of another province issues a warrant for the arrest of any person on a charge of violating any provision of this Act or any similar statute of that province, any magistrate or justice of Ontario within whose jurisdiction that person is or is suspected to be may upon satisfactory proof of the handwriting of the magistrate or justice who issues the warrant make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed shall be sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all constables within the territorial jurisdiction of the magistrate or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to re-arrest such person anywhere in Ontario.

(2) Any constable of Ontario or of any other province of Canada who is passing through Ontario having in his custody a person arrested in another province under a warrant endorsed

Execution
of warrant
issued in
another
province.

Prisoner
in transit.

in pursuance of subsection 1 shall be entitled to hold, take and re-arrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. 1945, c. 22, s. 80.

Expenses.

Rev. Stat.,
c. 24.

78. Section 17 of *The Audit Act* shall apply *mutatis mutandis* as if the provisions thereof, except the references to the Deputy Attorney General, were enacted in and formed part of this Act. 1945, c. 22, s. 81.

Present
registration
continued in
force.

1945, o. 22.

79. Every registration in force under *The Securities Act, 1945*, at the date of the coming into force of this Act shall, subject to the provisions of this Act, continue in force as a registration under this Act. 1945, c. 22, s. 82; 1946, c. 86, s. 10, *amended*.

1945, c. 22;
1946, c. 86;
1945, c. 16,
repealed.

80. *The Securities Act, 1945, The Securities Amendment Act, 1946, and The Prospecting Syndicate Agreements Act, 1945*, are repealed.

Commence-
ment of Act.

81. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

82. This Act may be cited as *The Securities Act, 1947*.

1st Reading

October 22nd, 1947

2nd Reading

3rd Reading

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Securities Act, 1947.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Securities Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "broker" shall mean any person or company, trading "broker"; in securities in the capacity of an agent, who is a member of a stock exchange in Ontario and such other person or company, trading in securities in the capacity of an agent, who is recognized by the Commission as a broker; 1945, c. 22, s. 1, cl. (a), *amended*.
- (b) "broker-dealer" shall mean any person or company "broker-dealer"; who is a member of the Broker-Dealers' Association of Ontario and such other person or company recognized by the Commission as a broker-dealer who engages either for the whole or part of his or its time in the business of trading in securities in the capacity of an agent or principal; *New*.
- (c) "Commission" shall mean Ontario Securities Com- "Commis-
mission"; 1945, c. 22, s. 1, cl. (c).
- (d) "company" shall mean any incorporated corporation, "company"; incorporated association, incorporated syndicate or other incorporated organization; 1945, c. 22, s. 1, cl. (d), *amended*.
- (e) "industrial company" shall mean a company other "industrial
company"; than a company recognized by the Commission as a mining company or investment company;
- (f) "investment company" shall mean a company, other "investment
company"; than a company recognized by the Commission as a mining company or an industrial company, whose principal business is the acquisition of or the investment in the securities of other companies whether for

the purpose of acquiring control or management of such companies or for the purpose of deriving revenue from such securities and shall include a company which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a like nature; *New*.

"investment
counsel";

- (g) "investment counsel" shall mean any person or company who engages in or holds himself or itself out as engaging in the business of advising others, either directly or through publications or writings, as to the advisability of investing in or purchasing or selling specific securities; 1945, c. 22, s. 1, cl. (g), *part, amended*.

"investment
dealer";

- (h) "investment dealer" shall mean any person or company who is a member, branch office member or associate member of the Central District of the Investment Dealers' Association of Canada and such other person or company recognized by the Commission as an investment dealer who engages either for the whole or part of his or its time in the business of trading in securities in the capacity of an agent or principal;

"mining
company";

- (i) "mining company" shall mean a company, other than a company recognized by the Commission as an industrial company or an investment company, which engages either directly or indirectly in any mode or method of working whereby the ground, soil or earth or any rock, stone or quartz may be disturbed, removed, drilled, washed, sifted, roasted, smelted, refined, crushed or dealt with for the purpose of winning, obtaining or proving the presence of any mineral or minerals, which shall include in addition to any other minerals, any metal, coal, natural gas, oil and salt, or of any mineral-bearing substance, mineral deposit, ore body, stratum, soil, rock, bed of earth, clay, sand, gravel or cement; *New*.

"official";

- (j) "official" shall mean president, vice-president, secretary, treasurer and manager; 1945, c. 22, s. 1, cl. (h), *amended*.

"person";

- (k) "person" shall mean an individual, partnership, unincorporated association, unincorporated organization, and syndicate other than an incorporated syndicate; 1945, c. 22, s. 1, cl. (i), *amended*.

"primary
distribution
to the
public";

- (l) "primary distribution to the public" used in relation to securities shall mean,

- (i) trades which are made for the purpose of distributing to the public securities issued by a company and not previously distributed, and
- (ii) trades in previously distributed securities for the purpose of redistributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person or company or any combination of persons or companies holding a sufficient quantity of such securities or of the securities from which such securities have been derived to materially affect the control of the company which is the issuer of the securities,

whether such trades are made directly to the public or through an underwriter, optionee, sub-underwriter, sub-optionee or otherwise and shall include any transaction involving a purchase and resale, or a repurchase and resale, in the course of or incidental to such distribution or redistribution to the public but shall not include either a trade through a person or company registered for trading in securities under this Act who is not engaged in such distribution or redistribution to the public but is acting as the agent of the purchaser or a sale by a person or company not engaged in such distribution or redistribution to the public; 1945, c. 22, s. 1, cl. (j), *amended*.

- (m) "register" shall mean register under this Act; "register";
- (n) "registrar" shall mean registrar of the Commission "registrar"; appointed under this Act;
- (o) "regulations" shall mean regulations made under the "regulations"; provisions of this Act; 1945, c. 22, s. 1, cls. (k-m).
- (p) "salesman" shall mean an individual registered as a "salesman"; salesman under this Act; 1945, c. 22, s. 1, cl. (n); 1946, c. 86, s. 1, *amended*.
- (q) "security" shall include, "security";
 - (i) any document, instrument or writing commonly known as a security,
 - (ii) any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company,

- (iii) any document constituting evidence of an interest in an association of legatees or heirs,
- (iv) any document constituting evidence of an interest in any option given upon a security,
- (v) any bond, debenture, share, stock, note, unit, unit certificate, participation certificate, certificate of share or interest, pre-organization certificate or subscription,
- (vi) any agreement providing that money received will be repaid or treated as a subscription to shares, stock, units or interests at the option of the recipient or of any person or company,
- (vii) any certificate of share or interest in a trust estate or association,
- (viii) any profit-sharing agreement or certificate,
- (ix) any certificate of interest in an oil, natural gas or mining lease, claim or royalty voting trust certificate,
- (x) any oil or natural gas royalties or leases or fractional or other interest therein,
- (xi) any collateral trust certificate,
- (xii) any income or annuity contract not issued by an insurance company,
- (xiii) any bankers' share,
- (xiv) any trustees' share,
- (xv) any investment contract, or
- (xvi) any investment participating bond or investment trust debenture,

whether any of the foregoing relate to a person, proposed company or company as the case may be; 1945, c. 22, s. 1, cl. (o).

"security issuer";

- (r) "security issuer" shall mean a company which engages in the primary distribution to the public of securities of its own issue; 1945, c. 22, s. 1, cl. (p), *amended*.

"sub-broker-dealer";

- (s) "sub-broker-dealer" shall mean an individual who, being retired from active business or as incidental to his principal occupation and as correspondent of any investment dealers or broker-dealers or both, trades in securities for a part of his time in the capacity of an agent or principal; and *New*.

(1) "trade" or "trading" shall include,

"trade";
"trading".

- (i) any solicitation for or obtaining of a subscription to, disposition of or trade in or option upon a security for valuable consideration whether the terms of payment be upon margin, instalment or otherwise,
- (ii) any attempt to deal in, sell or dispose of a security or an interest in or option upon a security for valuable consideration whether the terms of payment be upon margin, instalment or otherwise,
- (iii) any participation as a floor trader in any transaction in a security upon the floor of any stock exchange,
- (iv) any receipt by a person or company registered for trading in securities under this Act of an order to buy or sell a security, whether the order is received over the telephone or in person, and
- (v) any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing. 1945, c. 22, s. 1, cl. (g), *amended*.

PART I.

THE COMMISSION.

2.—(1) The Commission shall be composed of a chairman and not more than two other members, one of whom shall be designated as vice-chairman, who shall be appointed by the Lieutenant-Governor in Council. 1945, c. 22, s. 2 (1), *amended*. Commission,
how com-
posed.

(2) The chairman shall devote his full time to the work of the Commission and the other members shall devote such time as may be necessary for the due exercise and performance of the powers and duties of the Commission. 1945, c. 22, s. 2 (2). Duties of
chairman
and mem-
bers.

3. The chairman, and in his absence the vice-chairman, may exercise and shall perform the powers and duties vested in or imposed upon the Commission by this Act or the regulations, but every direction, decision, order or ruling of the chairman or the vice-chairman shall be subject to review by the Commission, and the Commission may confirm or revoke any such direction, decision, order or ruling or may make such alteration therein or addition thereto as a majority of the members deem proper. 1945, c. 22, s. 3, *amended*. Acts of
chairman
and mem-
bers
subject to
review.

4. The staff of the Commission shall consist of a registrar and such other officers, clerks, stenographers and employees Staff.

as the Lieutenant-Governor in Council may appoint. 1945, c. 22, s. 4.

Salaries.

5.—(1) The members of the Commission, the registrar and the officers, clerks, stenographers and employees of the Commission shall be paid such salaries or remuneration as the Lieutenant-Governor in Council may determine. 1945, c. 22, s. 5.

Payment of salaries and other expenses.

(2) The salaries, remuneration and other expenses of the Commission shall be paid out of such moneys as may be appropriated therefor by the Legislature. 1945, c. 22, s. 6.

PART II.

REGISTRATION.

Persons and companies required to register for trading in securities.

6.—(1) No person or company shall,—

- (a) trade in any security unless such person or company is registered as a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer or as a salesman of a registered broker, investment dealer, broker-dealer or security issuer;
- (b) act as a partner or officer of or on behalf of any person or company in connection with a trade in any security by such person or company unless such person or company is registered for trading in securities under this Act;
- (c) act as a salesman of or on behalf of any person or company in connection with a trade in any security by such person or company unless he is registered as a salesman of such person or company and such person or company is registered as a broker, investment dealer, broker-dealer or security issuer; or
- (d) act as an investment counsel unless such person or company is registered as an investment counsel,

and such registration has been made in accordance with the provisions of this Act and the regulations and such person or company, as the case may be, has received written notice of such registration from the registrar. 1945, c. 22, s. 7 (1), *amended*.

When separate registration of partners, officers and officials not required.

(2) Where a person or company is registered as a broker, investment dealer, broker-dealer or investment counsel, every partner or officer of such person or company may act as a broker, investment dealer, broker-dealer or investment counsel, as the case may be, on behalf of such, without separate registration and where a company is registered as a security issuer the officials thereof

may act on its behalf in connection with a trade in a security by such company without separate registration. 1945, c. 22, s. 7 (2), *amended*.

(3) No individual who becomes a partner or officer of a person or company after such person or company has been registered shall trade in securities until such person or company has received from the registrar written permission for such partner or officer so to trade. 1945, c. 22, s. 7 (3), *amended*. New partners or officers must be approved.

(4) The termination of the employment of a salesman with a person or company registered for trading in securities under this Act shall operate as a suspension of the registration of such salesman until notice in writing has been received by the registrar from a person or company registered for trading in securities under this Act of the employment of such salesman and such employment has been approved by the Commission. 1945, c. 22, s. 7 (4), *amended*. Termination of employment of salesman.

7. The Commission shall grant registration or renewal of registration to an applicant where in the opinion of the Commission the applicant is suitable for registration and the proposed registration is not objectionable. 1945, c. 22, s. 9. Registration.

8. The Commission shall suspend or cancel any registration where in its opinion such action is in the public interest. 1945, c. 22, s. 10. Suspension, cancellation.

9. Notwithstanding any ruling of the Commission a further application for registration may be made upon new or other material or where it is clear that material circumstances have changed provided that no further application for registration shall be made within six months of such ruling unless leave is first obtained from the Commission. 1945, c. 22, s. 11, *amended*. Further applications.

10.—(1) Every application shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations and a bond in such amount and form, subject to section 21, as may be prescribed by the regulations. 1945, c. 22, s. 12. Application to be upon forms with proper fees and bonds.

(2) The bond shall be,—

Type of bond.

(a) the bond of a guarantee company approved under *The Guarantee Companies Securities Act*;

(b) a personal bond accompanied by collateral security; Rev. Stat., c. 263.
or

(c) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.

Collateral
security.

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond and shall be deposited with the Treasurer of Ontario. *New.*

Address for
service.

11. Every applicant shall state in the application an address for service in Ontario, and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. 1945, c. 22, s. 13.

Further
information.

12. The registrar may and shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require such applicant or such registered person or company to submit to examination under oath. 1945, c. 22, s. 14, *amended.*

Appoint-
ment of
experts.

13.—(1) The Commission may appoint one or more experts to assist the Commission in such manner as it may deem expedient.

Submission
of documents
to experts.

(2) The Commission may submit any agreement, prospectus, financial statement, report or other document to one or more experts appointed under subsection 1 for examination and the Commission shall have the like power to summon and enforce the attendance of witnesses before the expert and to compel them to produce documents, records and things as is vested in the Commission by subsection 3 of section 26 and the provisions of subsections 3 and 4 of section 26 shall apply *mutatis mutandis.*

Payment for
services.

(3) An expert appointed under subsection 1 shall be paid such amounts for services and expenses as the Lieutenant-Governor in Council may determine. *New.*

Residence.

14.—(1) Registration may, in the absolute discretion of the Commission, be refused to any person who has not been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario, unless at the time of application such person is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of such application and is otherwise suitable for registration.

(2) Where a company or partnership makes application for ^{idem.} registration, such registration may, in the absolute discretion of the Commission, be refused, unless every officer and director, or every member, as the case may be, has been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario or is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of such application and is otherwise suitable for registration. 1945, c. 22, s. 15 (1, 2), *amended*.

(3) For the purposes of this section a person shall not be ^{Service in the forces.} deemed to cease to reside in Ontario by reason only of his absence from Ontario as a member of His Majesty's armed forces. 1945, c. 22, s. 15 (3).

15. Every registration and renewal of registration shall ^{Termination and renewal of registration.} lapse on the 31st day of March in each year and every registered person or company shall apply for renewal of registration on or before the 1st day of March in each year giving full particulars of any change in the facts set forth in the latest application form on record, and enclosing the prescribed fee. 1945, c. 22, s. 16, *amended*.

16.—(1) Every registered broker, investment dealer and ^{Change in registration of broker, investment dealer and broker-dealer.} broker-dealer shall, within five days, notify the registrar in writing of,—

- (a) any change in the address for service;
- (b) any change in the officers or members in the case of a company or partnership; and
- (c) the commencement and termination of employment of every salesman.

(2) Every registered security issuer shall, within five days, ^{Security issuer.} notify the registrar in writing of,—

- (a) any change in the address for service;
- (b) any change in the officials; and
- (c) the commencement and termination of employment of every salesman. 1945, c. 22, s. 17 (1), *amended*.

(3) Every registered investment counsel shall, within five ^{Investment counsel.} days, notify the registrar in writing of,—

- (a) any change of the address for service; and
- (b) any change in the officers or members in the case of a company or partnership.

Salesmen.

(4) Every registered salesman shall, within five days, notify the registrar in writing of,—

- (a) any change in his address for service; and
- (b) every commencement and termination of his employment by a person or company registered for trading in securities under this Act. 1945, c. 22, s. 17 (2, 3), *amended*.

Sub-broker-dealer.

(5) Every registered sub-broker-dealer shall, within five days, notify the registrar in writing of any change in his address for service. *New*.

Registrar to make daily deposit.

17.—(1) The registrar shall cause all cash, cheques, money orders and postal notes to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund.

Refund.

(2) Where an application is refused or a registration is cancelled the registrar may recommend to the Treasurer of Ontario that a refund of the fee or of such part thereof as he deems fair and reasonable be made and the Treasurer may make such refund. 1945, c. 22, s. 18.

EXEMPTION FROM REGISTRATION.

Exemptions from registration as investment counsel.

18. Registration as an investment counsel shall not be required to be obtained by,—

Banks, loan, trust and insurance companies, public officers.

- (a) a bank to which *The Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under *The Industrial Development Bank Act* (Canada), or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or any officer or employee, in the performance of his duties as such, of His Majesty in right of Canada or of any province, or of any municipal corporation or public board or commission in Canada;

1944-45, cc. 30, 44 (Can.).

Rev. Stat., cc. 257, 256.

Lawyers, accountants, engineers and teachers.

- (b) any lawyer, accountant, engineer or teacher whose performance of such services is solely incidental to the practice of his profession;

Persons or companies registered for trading in securities, etc.

- (c) any person or company registered for trading in securities under this Act, or any officer or employee thereof, whose performance of such services is solely incidental to the conduct of the business as such, and who receives no special compensation therefor;

- (d) the publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an investment counsel only through such publication and has no interest either directly or indirectly in any of the securities upon which such advice is given and receives no commissions or other consideration for giving such advice and who gives such advice as solely incidental to the conduct of his business as a publisher; or
- (e) such other persons or companies not within the intent of this section as may be designated by the regulations. 1945, c. 22, s. 1, cl. (g), *part, amended*.

Certain
publishers.

Persons or
companies
designated
by Com-
mission.

19.—(1) Subject to the provisions of the regulations, registration shall not be required in respect of the following trades,—

Exemptions
from regis-
tration re
certain
trades.

- (a) a trade in a security taking place at a judicial, executor's, administrator's, guardian's or committee's sale, or at a sale by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), a receiver under *The Judicature Act* or a liquidator under *The Companies Act* or the *Winding-up Act* (Canada); 1945, c. 22, s. 19, cl. (a).
- (b) an isolated trade in a specific security by or on behalf of the owner, for the owner's account, where such trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person whose usual business is trading in securities; 1945, c. 22, s. 19, cl. (b), *amended*.
- (c) a trade where one of the parties is a bank to which *The Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under *The Industrial Development Bank Act* (Canada), or a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*, or is an officer or employee, in the performance of his duties as such, of His Majesty in right of Canada or of any province or territory of Canada, or of any municipal corporation or public board or commission in Canada; 1945, c. 22, s. 19, cl. (c), *amended*.
- (d) a trade by or for the account of a pledgee or mortgagee for the purpose of liquidating a *bona fide* debt by

Judicial
sales.

R.S.C.,
cc. 11, 213;
Rev. Stat.,
cc. 100, 251.

Isolated
transactions
by owner.

Banks, loan,
trust and
insurance
companies,
public
officers.

1944-45,
cc. 30, 44
(Can.),
Rev. Stat.,
cc. 257, 256.

Sale of
pledged
security.

selling or offering for sale or delivering in good faith in the ordinary course of business a security pledged in good faith as security for such debt; 1945, c. 22, s. 19, cl. (d).

Non-trading employees' transactions.

- (e) a trade in a security which may occasionally be transacted by employees of a person or company registered for trading in securities under this Act where such employees do not usually sell securities to the public and have been temporarily designated by the registrar as "non-trading" employees, either individually or as a class; 1945, c. 22, s. 19, cl. (g), *amended*.

Trades between issuer and underwriter.

- (f) a trade between a person or company and an underwriter, optionee, sub-underwriter or sub-optionee in securities issued by such person or company and trades in such securities between or among underwriters, optionees, sub-underwriters and sub-optionees; 1945, c. 22, s. 19, cl. (r).

Company selling securities through agent.

- (g) a trade in a security by a company acting solely through an agent who is a person or company registered for trading in securities under this Act; or *New*.

Trades exempted by regulations.

- (h) any trades in respect of which registration is not required by the regulations. 1945, c. 22, s. 19, cl. (u), *part, amended*.

Exemptions from registration re certain securities.

- (2) Subject to the provisions of the regulations, registration shall not be required to trade in the following securities,—

Stock dividends, distribution of earnings, etc.

- (a) securities of its own issue which are distributed or issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus, or securities whether of its own issue or not which are distributed or issued by such company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of the company or distribution of its assets for the purpose of winding-up its affairs, or the sale by a company to the holders of its securities of additional securities of its own issue, provided that no commission or other remuneration, except for ministerial or professional services, is paid or given in respect of such distribution, issuance or sale; 1945, c. 22, s. 19, cl. (e), *amended*.

Exchange on merger.

- (b) securities of a company which are exchanged by or on account of such company with another company

or the holders of the securities of such other company in connection with a consolidation, amalgamation, merger or re-organization of either company; 1945, c. 22, s. 19, cl. (f), *amended*.

- (c) securities of or guaranteed by any government in ^{Government securities.} the British Commonwealth of Nations or any colony or dependency thereof, or of or guaranteed by the government of any foreign country or state forming a portion of such foreign country;
- (d) securities in which trust funds may lawfully be ^{Trust.} invested in Ontario;
- (e) securities secured by mortgage upon real estate or tangible personal property where all of the securities ^{Secured bonds.} are sold at the one time;
- (f) negotiable promissory notes or commercial paper ^{Negotiable paper.} maturing not more than a year from the date of issue;
- (g) securities evidencing indebtedness due under any contract made pursuant to the provisions of any statute of any province of Canada providing for the acquisition of personal property under conditional sale contracts; ^{Securities based upon conditional sales.}
- (h) securities issued by a person or company organized exclusively for educational, benevolent, fraternal, charitable, religious or recreational purposes and not for pecuniary profit, where no part of the net earnings thereof enure to the benefit of any security holder; ^{Shares of non-profit sharing companies.}
- (i) securities issued by corporations operated on a co-operative basis as defined by Part XII of *The Companies Act*; ^{Co-operative corporations. Rev. Stat., c. 251.}
- (j) shares of a credit union within the meaning of *The Credit Unions Act, 1940*; ^{Shares of credit union. 1940, c. 7.}
- (k) securities traded by a company with its employees who are not induced to trade by expectation of employment or continued employment; 1945, c. 22, s. 19, cls. (g-o). ^{Company stock sales to employees.}
- (l) securities of a private company issued by such private company where such securities are not offered for sale to the public; 1945, c. 22, s. 19, cl. (p), *amended*. ^{Securities of private company.}

Prospector's
"grub
stake".

- (m) securities issued and sold by a prospector for the purpose of financing a prospecting expedition; 1945, c. 22, s. 19, cl. (s), *amended*.

Syndicate
units, sale
by pros-
pector.

- (n) securities issued by a prospecting syndicate where such securities are sold by the prospector or one of the prospectors who staked the claims which belong to or are the subject of a Declaration of Trust in favour of such prospecting syndicate within the meaning of Part VII, provided that a prospecting syndicate agreement relating to such prospecting syndicate has been accepted for filing thereunder and provided that the prospector delivers a copy of such prospecting syndicate agreement to the person purchasing the security before accepting payment therefor; 1945, c. 22, s. 19, cl. (t), *amended*.

Syndicate
units when
sold to not
more than
fifty persons
or com-
panies.

- (o) securities of a prospecting syndicate within the meaning of Part VII, issued by such prospecting syndicate, where a prospecting syndicate agreement relating to such prospecting syndicate has been accepted for filing thereunder and where such securities are not offered for sale to the public and are sold to not more than fifty persons or companies; or *New*.

Securities
exempted by
regulations.

- (p) securities in respect of which registration is not required by the regulations. 1945, c. 22, s. 19, cl. (u), *part, amended*.

Where
exemptions
not to apply
to pros-
pector.

- (3) Where any prospector has been guilty of acts or conduct which, in the opinion of the Commission, would warrant the Commission refusing to grant registration to him under this Act, the Commission may rule that the provisions of clauses m and n of subsection 2 shall not apply to him or to any member of a prospecting syndicate of which he is a member. 1946, c. 86, s. 2, *amended*.

Floor
traders.

- 20.**—(1) A person shall not be required to obtain registration by reason only of trades made by him as a floor trader upon the floor of a stock exchange. 1945, c. 22, s. 20 (1).

Non-trading
employees.

- (2) The registrar may designate as "non-trading" any employee or class of employees of a person or company registered for trading in securities under this Act who do not usually sell securities to the public, but such designation shall be temporary only and may be cancelled as to any employee or class of employees where the registrar is satisfied that any such employee or member of any such class of employees should be required to apply for registration as a salesman. 1945, c. 22, s. 20 (2), *amended*.

PART III.

FORFEITURE OF BOND.

21.—(1) Any bond mentioned in section 11 shall be forfeit^{Forfeiture of bond.} and the amount thereof shall become due and owing by the person or company bound thereby as a debt due His Majesty in right of Ontario where,—

- (a) the broker, investment dealer, broker-dealer, sub-broker-dealer or investment counsel, or any officer or partner thereof, or security issuer or any official thereof, or salesman, in respect of whose conduct the bond is conditioned has been convicted of,
 - (i) an offence under this Act,
 - (ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada),^{R.S.C., c. 36.} or
 - (iii) an offence in connection with a transaction relating to securities under the *Criminal Code* (Canada);
- (b) judgment based on a finding of fraud has been given against the broker, investment dealer, broker-dealer, sub-broker-dealer or investment counsel, or any officer or partner thereof, or security issuer or any official thereof, or salesman, in respect of whose conduct the bond is conditioned; or
- (c) proceedings by or in respect of a broker, investment dealer, broker-dealer, sub-broker-dealer or investment counsel, or any officer or partner thereof, or security issuer or any official thereof, or salesman, in respect of whose conduct the bond is conditioned, have been taken under the *Bankruptcy Act* (Canada)^{R.S.C., c. 11.} or by way of winding-up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made, and such conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken. 1945, c. 22, s. 21 (1); 1946, c. 86, s. 3, *amended*.

(2) A bond may be cancelled by any person bound there-^{Cancellation of bond.} under by giving to the registrar at least two months' notice in writing of intention to cancel and, subject to the provisions of

subsection 3, it shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the registrar. *New.*

Term of
bond.

(3) For the purposes of every act and omission occurring during the period of registration or the period prior to cancellation under subsection 2, every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years after the lapse or cancellation of the registration to which it relates, or the cancellation of the bond, whichever occurs first. 1945, c. 22, s. 21 (2), *amended.*

Sale of
collateral
security.

22. Where a bond secured by the deposit of collateral security with the Treasurer of Ontario is forfeited under section 21, the Lieutenant-Governor in Council may direct the Treasurer to sell the collateral security at the current market price. *New.*

Proceedings
to enforce
forfeiture.

23. Where His Majesty becomes a creditor of any person or company in respect of a debt to the Crown arising from the provisions of section 21, the Commission may take such proceedings as it shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be. 1945, c. 22, s. 22.

R.S.C., c. 11;
Rev. Stat.,
cc. 100, 251;
R.S.C.,
c. 213.

Assignment
of bond or
payment of
moneys to
creditors.

24. The Lieutenant-Governor in Council may direct the Treasurer of Ontario,—

- (a) to assign any bond forfeited under section 21 and transfer the collateral security, if any;
- (b) to pay over any moneys recovered under such bond;
or
- (c) to pay over any moneys realized from the sale of the collateral security under section 22,

to any person, or to the accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the person or company bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person or company, as the case may be. 1945, c. 22, s. 23, *amended.*

Where no
claims
against
proceeds
of bond.

25. Where a bond has been forfeited under section 21 by reason of a conviction or judgment under clause *a* or *b* of subsection 1 thereof and the Commission has not within two years of such conviction or judgment having become final, or of the registered person or company in respect of whom the bond

was furnished ceasing to carry on business as such, whichever occurs first, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to such person or company or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such person or company. 1945, c. 22, s. 24, *amended*.

PART IV.

INVESTIGATION AND ACTION BY COMMISSION.

26.—(1) Where upon a statement made under oath it appears probable to the Commission that any person or company has,— ^{Order to investigate.}

(a) violated any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* ^{R.S.C., c. 36.} (Canada) in connection with a trade in securities,

the Commission may by order appoint any person to make such investigation as it deems expedient for the due administration of this Act and in such order shall determine and prescribe the scope of the investigation. 1945, c. 22, s. 25 (1), *amended*.

(2) For the purposes of any investigation ordered under sub-section 1 the person appointed to make the investigation may investigate, inquire into and examine,— ^{Idem.}

(a) the affairs of the person or company in respect of whom or which the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person or company and into any property, assets or things owned, acquired or alienated in whole or in part by such person or company or by any person or company acting on behalf of or as agent for such person or company; and ^{Scope of investigation.}

(b) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the

financial or other conditions at any time prevailing in or in relation to, or in connection with any such person or company and into the relationship which may at any time exist or have existed between such person or company and any other person or company by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

Power to
summon
witnesses
and require
production.

(3) For the purposes of subsections 1 and 2 the person making the investigation shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,—

- (a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply;
- (b) no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;
- (c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client; and
- (d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section.

Rev. Stat.,
c. 119.

Seizure of
property.

(4) Where an investigation is ordered under this section the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person or company the affairs of whom or of which are being investigated.

Accountants;
other
experts.

(5) Where an investigation is ordered under this section the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company the affairs of whom or of which are being investigated.

(6) Every person appointed under subsection 1 or subsection 5 shall report the result of his investigation or examination ^{Report of investigation.} to the Commission. 1945, c. 22, s. 25 (2-6).

27. Where upon the report of an investigation made under section 26 it appears to the Commission that any person or company ^{Report to Attorney General.} may have,—

(a) violated any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* ^{R.S.C., c. 36.} (Canada) in connection with a transaction relating to securities,

the Commission shall send a full and complete report of such investigation including the report made to it, any transcript of evidence and any material in the possession of the Commission relating thereto, to the Attorney General. 1945, c. 22, s. 26.

28. Notwithstanding the provisions of section 26, the Attorney General may by order appoint any person to make an investigation into any matter relating to a trade in securities, in which case the person so appointed shall, for the purposes of the investigation, have the same authority, powers, rights and privileges as a person appointed under section 26. 1945, c. 22, s. 27, *amended*. ^{Investigation under order of Attorney General.}

29. No person, without the consent of the Commission, shall disclose any information or evidence obtained or the name of any witness examined or sought to be examined under section 26 or 28. 1945, c. 22, s. 28, *amended*. ^{Evidence not to be disclosed.}

30. Where an investigation has been made under section 26 the Commission may, and where an investigation has been made under section 28 the person making the investigation shall, report the result thereof including the evidence, findings, comments and recommendations, to the Attorney General and the Attorney General may cause such report to be published in whole or in part in such manner as he deems proper. 1945, c. 22, s. 29. ^{Reporting to Attorney General,—publication of report.}

31.—(1) The Commission may,—

(a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 26 or 28;

(b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the

^{Order to hold or refrain from dealing with funds.}

registration of any person or company or affecting the right of any person or company to trade in securities; or

- (c) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c*, to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c*, to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada), or until the Commission in writing revokes such direction or consents to release any particular fund or security from such direction, provided that no such direction shall apply to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction. 1946, c. 86, s. 4, *amended*.

R.S.C.,
cc. 11, 213;
Rev. Stat.,
cc. 100, 251.

Application
for direction.

- (2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person or company not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such funds or security and may make such order as to costs as may seem just. 1945, c. 22, s. 30 (2).

Notice to
registrars
of deeds or
masters of
titles.

- (3) In any of the circumstances mentioned in clause *a*, *b* or *c* of subsection 1, the Commission may in writing or by telegram notify any registrar of deeds or master of titles or any local master of titles or any mining recorder that proceedings are being or are about to be taken which may affect land or mining claims belonging to the person or company referred to in the notice which notice shall be registered against the lands or claims mentioned therein and shall have the same effect as

the registration of a certificate of *lis pendens*, save that the Commission may in writing revoke or modify such notice. 1945, c. 22, s. 30 (3), *amended*.

32.—(1) The Commission may,—

Application
for appoint-
ment of
receiver,
trustee and
manager.

- (a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 26 or 28;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company,

by originating notice apply to a judge of the Supreme Court for the appointment of a receiver, trustee and manager of the property of such person or company.

(2) Upon an application made under subsection 1, the Court may, where it is satisfied that the appointment of a receiver, trustee and manager of the property of any person or company is in the best interests of the creditors of such person or company or of persons or companies any of whose property is in the possession or under the control of such person or company, appoint a receiver, trustee and manager of the property of such person or company.

Appoint-
ment.

(3) Upon an *ex parte* application made by the Commission under this section the Court may make an order under subsection 2 appointing a receiver, trustee and manager for a period not exceeding eight days.

Ex parte
application.

(4) A receiver, trustee and manager of the property of any person or company appointed under this section shall be the receiver, trustee and manager of all of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, trustee and manager shall have authority, if so directed by the Court, to wind-up or manage the business and affairs of the person or company and all powers necessary or incidental thereto.

Powers of
receiver,
trustee and
manager.

Enforcement
of order.

(5) An order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

Rules of
Practice
to apply.

(6) Upon an application made under this section the Rules of Practice of the Supreme Court shall apply. 1946, c. 86, s. 5, *amended*.

PART V.

APPEALS.

Notice of
direction,
decision, etc. of the Commission —

33. A notice of every direction, decision, order or ruling

- (a) granting or refusing to grant registration to or renewing, refusing to renew, suspending, cancelling or changing the registration of any person or company; or
- (b) regarding trading or the right to trade in securities or any conditions or restrictions relating thereto,

shall be served upon the applicant or the person or company whose registration is thereby affected and upon such other person or company as in the opinion of the Commission is primarily affected by the direction, decision, order or ruling, at the address appearing in the application or upon the records of the Commission. 1945, c. 22, s. 44, *amended*.

Review by
Commission.

34.—(1) Any person or company upon whom a notice is served under section 33 or any other person or company who is primarily affected by any such direction, decision, order or ruling may, by notice in writing served upon the registrar within thirty days after the mailing of the notice, request a hearing and review by the Commission of the direction, decision, order or ruling.

Notice of
hearing.

(2) Where a hearing and review is requested under subsection 1 the registrar shall serve a notice in writing of the time and place thereof to the person or company requesting the hearing and review and to such other person or company as in the opinion of the Commission is primarily affected by the hearing, stating the date and place thereof.

Evidence.

(3) Upon the review the Commission may hear such evidence as may be submitted to it by the person or company requesting the review or by any other person or company and which in the opinion of the Commission is relevant to the review but shall not be bound by the legal or technical rules of evidence and all oral evidence submitted shall be taken down

in writing and together with such documentary evidence and things as are received in evidence by the Commission shall form the record.

(4) Upon a review the Commission may by order confirm ^{Power on review.} or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as a majority of the members of the Commission deem proper.

(5) A notice of the order made upon every review shall be ^{Notice of order on review.} served forthwith upon the person or company requesting the review and to such other person or company as in the opinion of the Commission is primarily affected by such order. 1945, c. 22, s. 45.

35.—(1) Where the Commission has reviewed a direction, ^{Appeal to Supreme Court.} decision, order or ruling under section 34 any person or company upon whom a notice is served under subsection 5 of section 34 or any other person or company who is primarily affected by any such direction, decision, order or ruling or by the order made upon the review, may appeal to a justice in appeal of the Supreme Court.

(2) Every appeal shall be by notice of motion served upon ^{Form of appeal.} the registrar within thirty days after the mailing of the notice under subsection 5 of section 34 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act.

(3) The registrar shall certify to the Registrar of the ^{Certificate of registrar.} Supreme Court of Ontario;—

- (a) the direction, decision, order or ruling which has been reviewed by the Commission;
- (b) the order of the Commission upon the review, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to the Commission or other material which in the opinion of the registrar are relevant to the appeal.

(4) The Attorney General may designate counsel to assist ^{Counsel.} the Court upon the hearing of any appeal which is taken under this section. 1945, c. 22, s. 46.

36. Where an appeal is taken under section 35 the Court ^{Order of Court.} may by its order direct the Commission to make such direc-

tion, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Commission shall make such direction, decision, order or ruling or do such act accordingly. 1945, c. 22, s. 47.

Further
direction,
etc.

37. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Commission shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 33 to 36. 1945, c. 22, s. 48.

PART VI.

AUDITS.

Panel of
auditors.

38. Every stock exchange, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall,—

- (a) select a panel of auditors each of whom shall have practised as such in Ontario for not less than five years and shall be known as a panel auditor or member's auditor; and
- (b) employ an exchange auditor, district association auditor or association auditor, as the case may be, whose appointment shall be subject to the approval of the Commission and such appointee shall be an auditor who shall have practised as such in Ontario for not less than ten years. 1945, c. 22, s. 33, *amended*.

Audits by
stock ex-
changes and
associations.

39.—(1) Every stock exchange, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall cause each member of such class or classes of their members as the Commission may designate in writing to appoint an auditor from the panel of auditors selected under section 38 and such auditor shall make the examination of the financial affairs of such member as called for by the by-laws, rules or regulations applicable to members of such class or classes and shall report thereon to the exchange auditor, district association auditor or association auditor, as the case may be.

Auditing
by-laws, etc.
to be
satisfactory
to Commis-
sion.

(2) The by-laws, rules and regulations of every stock exchange in Ontario, the rules and regulations of the Central District of the Investment Dealers' Association of Canada and the regulations of the Broker-Dealers' Association of Ontario in respect of the practice and procedure of the examinations

under subsection 1 and the actual conduct of such examinations shall be satisfactory to the Commission. *New.*

40. Every registered broker, investment dealer and broker-dealer whose financial affairs are not subject to examination under section 39 shall keep such books and records as are necessary for the proper recording of his or its business transactions and financial affairs and shall file with the Commission annually and at such other time or times as the Commission may require a financial statement satisfactory to the Commission as to his or its financial position, certified by such broker, investment dealer or broker-dealer, or an officer or partner thereof, and reported upon by the auditors of such broker, investment dealer or broker-dealer, and such other information as the Commission may require in such form as it may prescribe. 1945, c. 22, s. 42 (1), *amended*. Annual financial statement,—
filing of.

41.—(1) Notwithstanding anything contained in sections 38, 39 and 40, the Commission or any person to whom as its representative it may in writing delegate such authority may at any time make an examination of the financial affairs of any person or company registered under this Act or any person or company whose securities have been the subject of a filing with the Commission, and prepare a balance sheet as of the date of such examination and such other statements and reports as may be required by the Commission. Commis-
sion to
make audits.

(2) The Commission or any person making an examination under this section shall be entitled to free access to all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company whose financial affairs are being examined and no person or company shall withhold, destroy, conceal or refuse to give any information or thing reasonably required for the purpose of the examination. Access to
books,
securities,
etc.

(3) The Commission may charge such fees as may be prescribed by the regulations for any examination made under this section. 1945, c. 22, s. 43, *amended*. Fees.

PART VII.

PROSPECTING SYNDICATES.

42.—(1) Upon the acceptance for filing of a prospecting syndicate agreement by the Commission, the liability of the members of the syndicate or parties to the agreement shall be limited to the extent provided by the terms of such agreement where,— Agreements.

- (a) the sole purpose of the syndicate is the financing of prospecting expeditions, preliminary mining development, or the acquisition of mining properties or any combination thereof;

(b) the agreement clearly sets out,

- (i) the purpose of the syndicate,
- (ii) the particulars of any transaction effected or in contemplation involving the issue of units for a consideration other than cash,
- (iii) the maximum amount, not exceeding twenty-five per centum of the sale price, which may be charged or taken by any person as commission upon the sale of units in the syndicate,
- (iv) the maximum number of units in the syndicate, not exceeding thirty-three and one-third per centum of the total number of units of the syndicate, which may be issued in consideration of the transfer to the syndicate of mining properties,
- (v) the location of the head office of the syndicate and that such head office shall at all times be maintained in Ontario and that the Commission and the unit holders of the syndicate shall be notified immediately of any change in the location of the head office,
- (vi) that any person holding mining properties for the syndicate shall execute a Declaration of Trust in favour of the syndicate with respect to such mining properties,
- (vii) that after the sale for cash of any issued units of the syndicate, no mining properties shall be acquired by the syndicate other than by staking unless such acquisition is approved by a vote of at least two-thirds of the units of the syndicate which have been sold for cash,
- (viii) that the administrative expenditures of the syndicate, including, in addition to any other items, salaries, office expenses, advertising and commissions paid by the syndicate with respect to the sale of its units, shall be limited to one-third of the total amount received by the treasury of the syndicate from the sale of its units,
- (ix) that a statement of the receipts and disbursements of the syndicate shall be furnished to the Commission and to each unit holder annually,
- (x) that ninety per centum of the vendor units of the syndicate shall be escrowed units and may be released upon the consent of the

Commission and that any release of such units shall not be in excess of one vendor unit for each unit of the syndicate sold for cash,

- (xi) that no securities other than those of the syndicate's own issue, or no mining properties owned by the syndicate or held in trust for the syndicate shall be disposed of unless such disposal is approved by a vote of at least two-thirds of the issued units of the syndicate other than escrowed units; and

- (c) the agreement limits the capital of the syndicate to a sum not exceeding \$35,000. 1945, c. 16, s. 2 (1), *amended*.

- (2) The Commission may in its discretion accept for filing ^{Commission may file.} any agreement submitted for filing under this section and shall not be required to determine whether it is in conformity with clauses *a*, *b* and *c* of subsection 1. 1945, c. 16, s. 2 (3), *amended*.

- (3) Where a prospecting syndicate agreement is accepted ^{Rev. Stat., c. 189 not to apply.} for filing under this section, the requirements of *The Partnership Registration Act* as to filing shall not apply thereto. 1945, c. 16, s. 2 (4), *amended*.

- (4) Every agreement filed with,—

- (a) the Provincial Secretary or a mining recorder under the provisions of section 13f of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act, 1940*, and renumbered by section 3 of *The Securities Amendment Act, 1941*; and ^{Filing of agreements under previous Acts. Rev. Stat., c. 265; 1940, c. 25; 1941, c. 53.}

- (b) the Commission or a mining recorder under the provisions of *The Prospecting Syndicate Agreements Act, 1945*, ^{1945, c. 16.}

shall be deemed to be accepted for filing by the Commission within the meaning of this Act. 1945, c. 16, s. 6, *amended*.

PART VIII.

TRADING IN THE SECURITIES OF A MINING COMPANY.

43.—(1) No person or company shall trade in any security issued by a mining company either on his or its own account or on behalf of any other person or company where such trade would be in the course of a primary distribution to the public of such security until there has been filed with the Commission a prospectus, and a receipt therefor obtained from the registrar, which prospectus shall be dated and signed by every person ^{Trades in a security issued by a mining company on primary distribution to the public.}

who is, at the time of filing, a director or promoter of the mining company issuing the security or an underwriter or optionee of such security, and which prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth the following information relating to such mining company,— 1945, c. 22, s. 49 (1), cl. (a), *amended*.

- (a) the full name of the company and the address of the head office;
- (b) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof;
- (c) the officers, directors and promoters giving in each case the name in full, present occupation and home address in full;
- (d) the name and address of the auditor;
- (e) the name and address of every registry and transfer agency;
- (f) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating;
- (g) the particulars in respect of any bonds, or debentures outstanding or proposed to be issued;
- (h) the number of shares or other securities held in escrow, the name of the trustee and a summary of the provisions of the escrow agreement including the proposed plan of release from escrow;
- (i) the shares sold for cash to date tabulated under each class of shares as follows,
 - (i) the number of shares sold, separately listed as to price,
 - (ii) total cash received for the shares sold, and
 - (iii) the commissions paid on the sale of the shares;
- (j) particulars of securities, other than shares, sold for cash to date as follows,

- (i) the securities sold,
 - (ii) total cash received for the securities sold, and
 - (iii) the commissions paid on the sale of the securities;
- (k) the number of shares issued or to be issued or cash paid or to be paid to any promoter with his name and address and the consideration for the payment;
- (l) particulars as follows,
- (i) official designation and location of all properties, showing whether owned, leased or held under option or intended to be acquired by the company and all material facts relating to leases or options,
 - (ii) names and addresses of all vendors of property purchased or intended to be purchased by the company, showing the consideration paid or intended to be paid to each vendor, and the property acquired from each, and
 - (iii) the names and addresses in full of every person or company who has received or is to receive from any vendor a greater than five per centum interest in the shares or other consideration received or to be received by the vendor;
- (m) the particulars relating to all properties as follows,
- (i) the means of access thereto,
 - (ii) the character, extent and condition of any underground exploration and development and any underground plant and equipment, and if none so state,
 - (iii) the character, extent and condition of any surface exploration and development and any surface plant and equipment, and if none so state,
 - (iv) the known history of the property, and
 - (v) a description of any work done and improvements made by the present management, and if none so state;

- (n) the particulars of the securities, if any, covered by option agreements or underwriting agreements outstanding or proposed to be given and the price or prices at which and the date or dates by which such option agreements or underwriting agreements must be exercised, showing the name of the optionee and where the optionee is a company, syndicate or partnership, the names of all persons having more than five per centum interest therein, and the name and address of the person for or on whose behalf the option agreement or underwriting agreement has been entered into;
- (o) the details of future development and exploration plans of the management showing how it is proposed to expend the proceeds from current sales of securities;
- (p) where a company has not been incorporated for more than one year prior to the date of the statement, the amount or estimated amount of preliminary expenses showing administrative and development expenses separately, including the amount already expended and the estimated future expenditures in each case;
- (q) the amount and general description of any indebtedness to be created or assumed, which is not shown in a balance sheet filed with the Commission, and also particulars of the security, if any, given or to be given for such indebtedness;
- (r) particulars as follows,
 - (i) the principal business in which each director or officer has been engaged during the past three years and giving the length of time, position held and name of company or firm,
 - (ii) the nature and extent of the interest, direct or indirect, which any director or officer of the company, whether personally or as a partner in a firm, has ever had in any property acquired or to be acquired by the company, and
 - (iii) the aggregate remuneration paid by the company during the last financial year, and estimated to be paid or payable during the current financial year to directors and, separately stated, to officers;

- (s) the particulars of dividends, if any, paid during the last five years;
- (t) the names and addresses of the persons who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position or are entitled to elect or cause to be elected a majority of the directors of the company;
- (u) any other material facts not disclosed in the foregoing;
- (v) a certification to be signed by the directors and promoters of the company in the following form:
The foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required under section 43 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required; and
- (w) a certification to be signed by the underwriters and optionees in the following form: *To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 43 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required. In respect of matters which are not within my knowledge I have relied upon the accuracy and adequacy of the foregoing. New.*

(2) A full and up-to-date report on the property of the mining company and the development thereof made by a ^{Report on mining companies.} person who in the opinion of the Commission is a qualified mining engineer, geologist or prospector, certified by such person stating,—

- (a) the address and occupation of such person;
- (b) the qualifications of such person;
- (c) any interest which such person may have either directly or indirectly or which he may expect to receive either directly or indirectly in the property or securities;
- (d) whether or not the report is based on personal examination;

(e) the date of any such examination; and

(f) where not personally examined the source of information contained in the report,

shall accompany the prospectus required under subsection 1. 1945, c. 22, s. 49 (5), *amended*.

Commission
to be notified
of primary
distribution
to the public.

(3) No person or company shall engage in the primary distribution to the public of such a security as mentioned in subsection 1 until such person or company has notified the Commission in writing of his or its intention to engage in such primary distribution to the public. 1945, c. 22, s. 49 (1), cl. (b), *amended*.

Signing
by agent;
non-avail-
ability of
director.

(4) Any director, promoter, underwriter or optionee may sign a prospectus required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such prospectus the Commission may dispense with the requirement for his signature. 1945, c. 22, s. 49 (2), *amended*.

Responsi-
bility of
underwriter;
optionee.

(5) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any prospectus filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee. 1945, c. 22, s. 49 (3), *amended*.

Balance
sheet and
report by
auditors.

(6) Financial statements of a mining company in a form acceptable to the Commission, or if such company has any subsidiaries and unless the Commission otherwise directs, consolidated financial statements of such company and all its subsidiaries in a form acceptable to the Commission, as at the end of the last completed financial year of such company or as at a date not more than one hundred and twenty days prior to the date of the prospectus under subsection 1, whichever be the later date, or as at such other date as the Commission may approve, shall accompany the prospectus required under subsection 1 as follows,—

(a) a balance sheet on which the shares of capital stock, issued in payment of properties, claims or leases and the values at which such shares were issued shall be shown separately from the shares issued for cash or other consideration and supported by analyses of deferred charges where such deferred charges are significant, approved by two directors of such company and accompanied by a report of the auditors of such company, who shall be persons acceptable to the Commission, containing a reasonably compre-

hensive statement as to the examination made and stating whether, in their opinion, the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the affairs of such company or of such company and its subsidiaries, as the case may be, and as shown by the books of such company or of such company and such of its subsidiaries as are consolidated in the balance sheet; and

- (b) if profits have been earned or losses sustained, a statement with respect to net profits and the nature and source thereof, or net losses, as the case may be, in respect of the last three completed financial years, year by year, and any part of a subsequent financial year which is included in the balance sheet, and for such additional periods, but not exceeding seven years, as the Commission may require, where, in the opinion of the Commission, such further disclosure is desirable, or, if the company has been carrying on business for less than three years, then for such time as the company has been carrying on business, accompanied by a report of the auditors of such company stating whether, in their opinion, such statement fairly presents the earnings for the periods. * 1945, c. 22, s. 49 (4), *amended*.

(7) In the case of a mining company which has been carrying *Idem.* on business for less than three years but which, prior to the date of the prospectus, acquired control of a business, either directly or by ownership of shares or otherwise, which has been carried on for a period longer than the business of the company; the requirements of clause *b* of subsection 6 shall apply as if the company had been carrying on business for the same period as the business of which it has acquired control.

(8) If the proceeds or any part of the proceeds of the *Idem.* securities offered in the prospectus are or is to be applied directly or indirectly in the purchase of a business, the requirements of clause *b* of subsection 6 shall apply to the net profits or net losses, as the case may be, of both the company and such business. *New.*

(9) Where a change occurs during the period of primary *Corrections.* distribution to the public in any material fact contained in any prospectus, financial statement or report accepted for filing under this section, which is of such a nature as to render such prospectus, financial statement or report misleading, an amended prospectus, financial statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the amended prospectus shall be required to be signed only by the signa-

tories to the original prospectus and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original prospectus the decision of the Commission as to who shall be required to sign the amended prospectus or as to any like matter shall be final. 1945, c. 22, s. 49 (6), *amended*.

New prospectus, report and statements required after expiration of twelve months.

(10) Where primary distribution to the public of a security mentioned in subsection 1 is still in progress twelve months from the date of the last prospectus accepted for filing under subsection 1, a new prospectus as required under subsection 1 together with the report required under subsection 2 and the financial statements required under subsection 6 shall be filed with the Commission within twenty days from the expiration of such twelve-month period. *New*.

PART IX.

TRADING IN THE SECURITIES OF AN INDUSTRIAL COMPANY.

Trades in a security issued by an industrial company on primary distribution to the public.

44.—(1) No person or company shall trade in any security issued by an industrial company either on his or its own account or on behalf of any other person or company where such trade would be in the course of a primary distribution to the public of such security until there has been filed with the Commission a prospectus, and a receipt therefor obtained from the registrar, which prospectus shall be dated and signed by every person who is, at the time of filing, a director or promoter of the industrial company issuing the security or an underwriter or optionee of such security, and which prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth the following information relating to such industrial company,—

1945, c. 22, s. 49 (1), cl. (a), *amended*.

- (a) the full name of the company and the address of the head office;
- (b) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof;
- (c) the general nature of the business actually transacted or to be transacted;
- (d) the officers and directors giving in each case the name in full; present occupation and home address in full;

- (e) the name and address of the auditors;
- (f) the name and address of every registry and transfer agency;
- (g) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating;
- (h) where shares are offered, a description of respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits or capital of each class of shares, including redemption rights, and rights on liquidation or distribution of capital assets, provided that it shall not be necessary to set out such description in respect of any class of shares which will be wholly redeemed or cancelled prior to, contemporaneously with or out of the proceeds of the issue of the shares offered nor any provisions relating to any shares which will have ceased to be effective prior to or contemporaneously with the issue of the shares offered;
- (i) the particulars in respect of any bonds, or debentures outstanding or proposed to be issued, and of any other securities issued or proposed to be issued, which if issued will rank ahead of or *pari passu* with the securities offered;
- (j) the amount and a general description of any substantial indebtedness to be created or assumed, which is not shown in the balance sheet filed with the Commission and also particulars of the security, if any, given or to be given for such indebtedness;
- (k) the particulars of the securities, if any, covered by options outstanding or proposed to be given by the company and the price or prices at which and the date or dates by which such options must be exercised, showing the name of the original grantee of the option and where such original grantee is a company, syndicate or partnership, the names of all persons having more than a five per centum interest therein, provided that where options are evidenced by instruments in bearer or transferable form capable of being freely bought and sold, then to the extent that such options have been or are to be made available to a class of holders of securities of the company, or have been or are to be offered in the course of a primary distribution to the public it shall not be necessary to disclose the names of the grantees except where the grantee is an underwriter;

- (l) the number of securities of each class, which in the case of obligations shall bear an appropriate and correct descriptive title, offered and the issue price and the terms thereof and in the case of a second or subsequent offer of securities the amount offered for subscription on each previous offer within the two preceding years and the amount actually issued and the amount paid up thereon, specifying the amounts received in cash or other consideration respectively and the commission, if any, paid or payable;
- (m) the estimated net proceeds to be derived from the securities offered on the basis of same being fully taken up and paid for;
- (n) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the securities offered are to supply funds and if the funds are to be raised in part from other sources the amount thereof and the sources thereof shall be stated, and particulars of any provision made for the holding in trust of the proceeds of the issue of the securities offered pending or subject to the fulfilment of any conditions;
- (o) where shares are offered by the company or an underwriter, the minimum amount, if any, which in the opinion of the directors must be raised by the issue of those shares in order to provide the sums, or, if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided for the following matters,
 - (i) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue,
 - (ii) any preliminary expenses payable by the company,
 - (iii) any commission payable by the company to any person in consideration of his agreeing to subscribe for or procuring or agreeing to procure subscriptions for any shares in the company,
 - (iv) the repayment of any moneys borrowed by the company in respect of the foregoing matters, and

- (v) the repayment of bank loans, if any;
- (p) the particulars showing the date of and the parties to the agreement, if any, with an underwriter in respect of the securities offered and the remuneration of or price payable by the underwriter for the securities offered;
- (q) any provisions of the by-laws as to the remuneration of the directors;
- (r) the aggregate remuneration paid by the company during its last financial year, if completed at least three months prior to the offer, and estimated to be paid or payable during the current financial year or, if such remuneration is not capable of approximate estimation then the basis of determining same, to directors of the company and, separately stated, to officers of the company who individually have received or may be entitled to receive remuneration in excess of ten thousand dollars per annum;
- (s) the amount, if any, paid within the two preceding years or payable as a commission by the company for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares in or obligations of the company, or the rate of any such commission;
- (t) in the case of a company which has not been carrying on business for more than one year the amount or estimated amount of preliminary expenses;
- (u) the particulars of any property purchased or acquired by the company, or proposed to be purchased or acquired, the purchase price of which is to be defrayed in whole or in part out of the proceeds of the issue or has been paid within the last two preceding years or is to be paid in whole or in part in securities of the company, or the purchase or acquisition of which has not been completed at the date of the statement and the nature of the title or interest therein acquired or to be acquired by the company, provided that this clause shall not apply to transactions entered into in the ordinary course of operations or on the general credit of the company;
- (v) the names and addresses of the vendors of any property under clause *u* and the amount, specifying separately the amount, if any, for goodwill, paid or payable in cash or securities of the company to

the vendors for the property and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor, provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors, and provided further that where the property consists of securities of any other company purchased or acquired or proposed to be purchased or acquired by the company on substantially similar terms from more than twenty-five separate vendors it shall be sufficient to state the nature and terms of the transaction with particulars of the name and address of each person who is the vendor of securities aggregating more than ten per centum of the total amount of the securities so purchased or acquired or proposed to be purchased or acquired;

- (w) the number and amount of securities which, within the two preceding years, have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash and in the latter case the extent to which they are so paid up, and in either case the consideration for which those securities have been issued or are proposed or intended to be issued;
- (x) where obligations are offered, particulars of the security, if any, which has been or will be created for such obligations, specifying the property, if any, comprised or to be comprised in the security and the nature of the title to the property and, if more than twenty-five per centum in value of such property consists or is to consist of shares or obligations, particulars of the rights, if any, of the company to substitute other shares or obligations;
- (y) the particulars of any services rendered or to be rendered to the company which are to be paid for by the company wholly or partly out of the proceeds of the securities offered or have been within the last two preceding years or are to be paid for by securities of the company exclusive of commissions to be disclosed under clause o and amount included under clause s and amount included under clause w;
- (z) the amount paid within the two preceding years or intended to be paid to any promoter with his name and address and the consideration for such payment;
- (za) the dates of and the parties to and the general nature of every material contract entered into within

the two preceding years, and a reasonable time and place at which any such material contract or a copy thereof may be inspected, but this requirement shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company;

- (zb) full particulars of the nature and extent of the interest, if any, of every director in the promotion of, or in any property acquired by the company within the preceding two years or proposed to be acquired by the company, or, where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or securities or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, but this clause shall not apply in the case of a statement issued more than one year after the date at which the company commenced business, except as to the particulars relating to property proposed to be acquired by the company;
- (zc) in the case of a company which has been carrying on business for less than three years, the length of time during which the business of the company has been carried on, and, if the company has acquired or proposes to acquire, either by direct acquisition or indirectly by ownership of shares or otherwise, a business which has been carried on for less than three years, also the length of time during which such business has been carried on;
- (zd) where shares are offered, the names and addresses of the persons, if known, who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position to, or are entitled to, elect or cause to be elected a majority of the directors of the company;
- (ze) where any securities of the company of the same class as those offered are held in escrow, particulars of the number and description thereof, the name of the depositary, the date on which and the conditions, if any, governing the release of such securities from escrow;
- (zf) where shares are offered, particulars of dividends,

if any, paid during the five years preceding the date of the statement;

(zg) any other material facts not disclosed in the foregoing;

(zh) a certification to be signed by the directors and promoters of the company in the following form: *The foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 44 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required; and*

(zi) a certification to be signed by the underwriters and optionees in the following form: *To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 44 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required. In respect of matters which are not within my knowledge I have relied upon the accuracy and adequacy of the foregoing. New.*

Commission
to be notified
of primary
distribution
to the public.

(2) No person or company shall engage in the primary distribution to the public of such a security as mentioned in subsection 1 until such person or company has notified the Commission in writing of his or its intention to engage in such primary distribution to the public. 1945, c. 22, s. 49 (1), cl. (b), *amended*.

Signing by
agent; non-
availability
of director.

(3) Any director, promoter, underwriter or optionee may sign a prospectus required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such prospectus the Commission may dispense with the requirement for his signature. 1945, c. 22, s. 49 (2), *amended*.

Responsi-
bility
of under-
writer;
optionee.

(4) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any prospectus filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee. 1945, c. 22, s. 49 (3), *amended*.

Balance
sheet and
report by
auditors.

(5) Financial statements of an industrial company in a form acceptable to the Commission, or if such company has

any subsidiaries and unless the Commission otherwise directs, consolidated financial statements of such company and all its subsidiaries in a form acceptable to the Commission, as at the end of the last completed financial year of such company or as at a date not more than one hundred and twenty days prior to the date of the prospectus under subsection 1, whichever be the later date, or as at such other date as the Commission may approve, shall accompany the prospectus required under subsection 1 as follows,—

- (a) a balance sheet approved by two directors of such company and accompanied by a report of the auditors of such company, who shall be persons acceptable to the Commission, containing a reasonably comprehensive statement as to the examination made and stating whether, in their opinion, the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the affairs of such company or of such company and its subsidiaries, as the case may be, and as shown by the books of such company or of such company and such of its subsidiaries as are consolidated in the balance sheet; and
- (b) a statement with respect to net profits and the nature and source thereof, or net losses, as the case may be, in respect of the last three completed financial years, year by year, and any part of a subsequent financial year which is included in the balance sheet, and for such additional periods, but not exceeding seven years, as the Commission may require, where, in the opinion of the Commission, such further disclosure is desirable, or, if the company has been carrying on business for less than three years, then for such time as the company has been carrying on business, accompanied by a report of the auditors of such company stating whether, in their opinion, such statement fairly presents the earnings for the periods.
1945, c. 22, s. 49 (4), *amended*.

(6) In the case of an industrial company which has been *idem.* carrying on business for less than three years but which, prior to the date of the prospectus, acquired control of a business, either directly or by ownership of shares or otherwise, which has been carried on for a period longer than the business of the company, the requirements of clause *b* of subsection 5 shall apply as if the company had been carrying on business for the same period as the business of which it has acquired control.

(7) If the proceeds or any part of the proceeds of the *idem.* securities offered in the prospectus are or is to be applied

directly or indirectly in the purchase of a business, the requirements of clause *b* of subsection 5 shall apply to the net profits or net losses, as the case may be, of both the company and such business. *New.*

Pro forma
balance
sheet.

(8) A *pro forma* balance sheet of an industrial company in a form acceptable to the Commission, or if such company has any subsidiaries and unless the Commission otherwise directs, a *pro forma* consolidated balance sheet of such company and all its subsidiaries in a form acceptable to the Commission and approved by two directors of such company and reported upon by the auditors of such company, as at the same date as the financial statements required under subsection 5 or, if no financial statements are required under subsection 5, as at a date acceptable to the Commission, and which *pro forma* balance sheet purports to give effect to the sale, issue or redemption of securities issued or to be issued by such company, may, if the Commission so requires or permits, accompany the prospectus required under subsection 1 or the financial statements required under subsection 5, as the case may be, provided that the preface to such *pro forma* balance sheet gives a plain and full disclosure of the assumptions upon which such *pro forma* balance sheet is based. *New.*

Corrections.

(9) Where a change occurs during the period of primary distribution to the public in any material fact contained in any prospectus, financial statement or report accepted for filing under this section, which is of such a nature as to render such prospectus, financial statement or report misleading, an amended prospectus, financial statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the amended prospectus shall be required to be signed only by the signatories to the original prospectus and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original prospectus the decision of the Commission as to who shall be required to sign the amended prospectus or as to any like matter shall be final. 1945, c. 22, s. 49 (6), *amended.*

New prospectus and statements required after expiration of twelve months.

(10) Where primary distribution to the public of a security mentioned in subsection 1 is still in progress twelve months from the date of the last prospectus accepted for filing under subsection 1, a new prospectus as required under subsection 1 together with the financial statements required under subsection 5 shall be filed with the Commission within twenty days from the expiration of such twelve-month period. *New.*

PART X.

TRADING IN THE SECURITIES OF AN INVESTMENT COMPANY.

45.—(1) No person or company shall trade in any security issued by an investment company either on his or its own account or on behalf of any other person or company where such trade would be in the course of a primary distribution to the public of such security until there has been filed with the Commission a prospectus, and a receipt therefor obtained from the registrar, which prospectus shall be dated and signed by every person who is, at the time of filing, a director or promoter of the investment company issuing the security or an underwriter or optionee of such security, and which prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth the following information relating to such investment company,—

Trades in a security issued by an investment company on primary distribution to the public.

1945, c. 22, s. 49 (1), cl. (a), *amended*.

- (a) the full name of the company and the address of the head office;
- (b) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof;
- (c) the general nature of business actually transacted or to be transacted giving full particulars of investment powers and duties;
- (d) the officers and directors giving in each case the name in full, present occupation and home address in full;
- (e) the names and home addresses in full of the persons constituting any investment advisory committee or similar body together with a concise statement of powers and duties, and giving the business experience of such persons for the preceding five years, and where such persons are officers or directors of other companies, so stating, giving the names of such companies;
- (f) the name and address of the auditors;
- (g) the name and address of every registry and transfer agency;

- (h) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating;
- (i) where shares are offered, a description of respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits or capital of each class of shares, including redemption rights, and rights on liquidation or distribution of capital assets, provided that it shall not be necessary to set out such description in respect of any class of shares which will be wholly redeemed or cancelled prior to, contemporaneously with or out of the proceeds of the issue of the shares offered nor any provisions relating to any shares which will have ceased to be effective prior to or contemporaneously with the issue of the shares offered;
- (j) particulars in respect of any bonds, or debentures outstanding or proposed to be issued, and of any other securities issued or proposed to be issued, which if issued will rank ahead of or *pari passu* with the securities offered;
- (k) the names and addresses in full of any trustees and the particulars of any trustee agreements where assets are held to protect the liability to the public in respect of securities sold to the public and if not applicable so stating;
- (l) the amount and general description of any substantial indebtedness to be created or assumed, which is not shown in the balance sheet filed with the Commission and also particulars of the security, if any, given or to be given for such indebtedness;
- (m) particulars of the securities, if any, covered by options outstanding or proposed to be given by the company and the price or prices at which and the date or dates by which such options must be exercised, showing the name of the original grantee of the option and where such original grantee is a company, syndicate or partnership, the names of all persons having more than a five per centum interest therein, provided that where options are evidenced by instruments in bearer or transferable form capable of being freely bought and sold, then to the extent that such options have been or are to be made available to a class of holders of securities of the company, or have been or are to be offered in the

course of a primary distribution to the public it shall not be necessary to disclose the names of the grantees except where the grantee is an underwriter;

- (n) a brief description of the method by which the securities offered will be sold to the public;
- (o) the number of securities of each class, which in the case of obligations shall bear an appropriate and correct descriptive title, offered and the issue price and the terms thereof and in the case of a second or subsequent offer of securities the amount offered for subscription on each previous offer within the two preceding years and the amount actually issued and the amount paid up thereon, specifying the amounts received in cash or other consideration respectively and the commission, if any, paid or payable;
- (p) the estimated net proceeds to be derived from the securities offered on the basis of same being fully taken up and paid for;
- (q) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the securities offered are to supply funds and if the funds are to be raised in part from other sources the amount thereof and the sources thereof shall be stated, and particulars of any provision made for the holding in trust of the proceeds of the issue of the securities offered pending or subject to the fulfilment of any conditions;
- (r) where shares are offered by the company or an underwriter, the minimum amount, if any, which in the opinion of the directors must be raised by the issue of those shares in order to provide the sums, or, if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided for the following matters,
 - (i) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue,
 - (ii) any preliminary expenses payable by the company,
 - (iii) any commission payable by the company to any person in consideration of his agreeing to subscribe for or procuring or agreeing to

procure subscriptions for any shares in the company,

- (iv) the repayment of any moneys borrowed by the company in respect of the foregoing matters, and,
- (v) the repayment of bank loans, if any;
- (s) particulars showing the date of and the parties to the agreement, if any, with an underwriter in respect of the securities offered and the remuneration of or price payable by the underwriter for the securities offered;
- (t) any provisions of the by-laws as to the remuneration of the directors and of the persons constituting the investment advisory committee or similar body, if any;
- (u) the aggregate remuneration paid by the company during its last financial year, if completed at least three months prior to the offer, and estimated to be paid or payable during the current financial year or, if such remuneration is not capable of approximate estimation then the basis of determining same, to directors of the company and, separately stated, to officers of the company who individually have received or may be entitled to receive remuneration in excess of ten thousand dollars per annum;
- (v) the amount, if any, paid within the two preceding years or payable as a commission by the company for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any securities of the company, or the rate of any such commission;
- (w) in the case of a company which has not been carrying on business for more than one year the amount or estimated amount of preliminary expenses;
- (x) particulars of any property purchased or acquired by the company, or proposed to be purchased or acquired, the purchase price of which is to be defrayed in whole or in part out of the proceeds of the issue or has been paid within the last two preceding years or is to be paid in whole or in part in securities of the company, or the purchase or acquisition of which has not been completed at the date of the statement and the nature of the title or interest therein acquired or to be acquired by the company, provided that this

clause shall not apply to transactions entered into in the ordinary course of operations or on the general credit of the company;

- (y) the names and addresses of the vendors of any property under clause *x* and the amount, specifying separately the amount, if any, for goodwill, paid or payable in cash or securities of the company to the vendors for the property and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor, provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors, and provided further that where the property consists of securities of any other company purchased or acquired or proposed to be purchased or acquired by the company on substantially similar terms from more than twenty-five separate vendors it shall be sufficient to state the nature and terms of the transaction with particulars of the name and address of each person who is the vendor of securities aggregating more than ten per centum of the total amount of the securities so purchased or acquired or proposed to be purchased or acquired;
- (z) the number and amount of securities which, within the two preceding years, have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash and in the latter case the extent to which they are so paid up, and in either case the consideration for which those securities have been issued or are proposed or intended to be issued;
- (za) where obligations are offered, particulars of the security, if any, which has been or will be created for such obligations, specifying the property, if any, comprised or to be comprised in the security and the nature of the title to the property and, if more than twenty-five per centum in value of such property consists or is to consist of shares or obligations, particulars of the rights, if any, of the company to substitute other shares or obligations;
- (zb) particulars of any services rendered or to be rendered to the company which are to be paid for by the company wholly or partly out of the proceeds of the securities offered or have been within the last two preceding years or are to be paid for by securities of the company exclusive of commissions to be disclosed under clause *r* and amount included under clause *v* and amount included under clause *z*;

- (zc) the amount paid within the two preceding years or intended to be paid to any promoter with his name and address and the consideration for such payment;
- (zd) the dates of and the parties to and the general nature of every material contract entered into within the two preceding years, and a reasonable time and place at which any such material contract or a copy thereof may be inspected, but this requirement shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company;
- (ze) full particulars of the nature and extent of the interest, if any, of every director in the promotion of, or in any property acquired by the company within the preceding two years or proposed to be acquired by the company or, where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or securities or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, but this clause shall not apply in the case of a statement issued more than one year after the date at which the company commenced business, except as to the particulars relating to property proposed to be acquired by the company;
- (zf) in the case of a company which has been carrying on business for less than three years, the length of time during which the business of the company has been carried on, and, if the company has acquired or proposes to acquire, either by direct acquisition or indirectly by ownership of shares or otherwise, a business which has been carried on for less than three years, also the length of time during which such business has been carried on;
- (zg) where shares are offered, the names and addresses of the persons, if known, who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position to, or are entitled to, elect or cause to be elected a majority of the directors of the company;
- (zh) the particulars of dividends, if any, paid during the five years preceding the date of the statement;

(zi) any other material facts not disclosed in the foregoing;

(zj) a certification to be signed by the directors and promoters of the company in the following form: *The foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 45 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required; and*

(zk) a certification to be signed by the underwriters and optionees in the following form: *To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts in respect of the offering of securities referred to above as required by section 45 of The Securities Act, 1947 (Ontario), and there is no further material information applicable other than in the financial statements or reports where required. In respect of matters which are not within my knowledge I have relied upon the accuracy and adequacy of the foregoing. New.*

(2) No person or company shall engage in the primary distribution to the public of such a security as mentioned in subsection 1 until such person or company has notified the Commission in writing of his or its intention to engage in such primary distribution to the public. 1945, c. 22, s. 49 (1), cl. (b), amended. Commission to be notified of primary distribution to the public.

(3) Any director, promoter, underwriter or optionee may sign a prospectus required under subsection 1 by his agent thereunto in writing lawfully authorized and where the Commission is satisfied upon evidence presented to it that any director is for adequate cause not available to sign any such prospectus the Commission may dispense with the requirement for his signature. 1945, c. 22, s. 49 (2), amended. Signing by agent; non-availability of director.

(4) Every underwriter and optionee shall be entitled to rely upon the accuracy and adequacy of the disclosure made in any prospectus filed under subsection 1 except as regards any matters which are within the knowledge of the underwriter or optionee. 1945, c. 22, s. 49 (3), amended. Responsibility of underwriter, optionee

(5) Financial statements of an investment company in a form acceptable to the Commission, or if such company has any subsidiaries and unless the Commission otherwise directs, consolidated financial statements of such company and all its subsidiaries in a form acceptable to the Commission, as at the end of the last completed financial year of such company or as at a date not more than one hundred and twenty days prior Balance sheet, reports and statements.

to the date of the prospectus under subsection 1, whichever be the later date, or as at such other date as the Commission may approve, shall accompany the prospectus required under subsection 1 as follows,—

- (a) a balance sheet approved by two directors of such company and accompanied by a report of the auditors of such company, who shall be persons acceptable to the Commission, containing a reasonably comprehensive statement as to the examination made and stating whether, in their opinion, the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the affairs of such company or of such company and its subsidiaries, as the case may be, and as shown by the books of such company or of such company and such of its subsidiaries as are consolidated in the balance sheet; 1945, c. 22, s. 49 (4), *part, amended*.
- (b) a statement with respect to the portfolio of investments of such company or such company and all its subsidiaries, as the case may be, as at the date of the balance sheet, which statement shall be drawn up so as to distinguish separately at least the following classes of investments and showing as to each class, the aggregate value at which such investments are carried on the books of the company or such company and all its subsidiaries, as the case may be, with the basis thereof and the aggregate market value, where market values are obtainable,
 - (i) direct and guaranteed securities of the government of the Dominion of Canada,
 - (ii) direct and guaranteed securities of the government of any province of the Dominion of Canada,
 - (iii) securities of any municipal corporation in the Dominion of Canada,
 - (iv) securities of or guaranteed by any government in the British Commonwealth of Nations or any colony or dependency thereof,
 - (v) securities of or guaranteed by the government of any foreign country or state forming a portion of such foreign country,
 - (vi) mortgages and agreements for sale, and

- (vii) other securities, listing each issue separately, and showing for each issue, where applicable, the quantity held, principal amount, maturity date, interest or dividend rate, cost, the valuation on the books with the basis thereof and the market value where the market value is obtainable,

provided that one group of investments not exceeding ten per centum of the aggregate value at which all investments in the portfolio are carried on the books of such company or such company and all its subsidiaries, as the case may be, may be listed in one amount as miscellaneous securities, and such statement shall be reported upon by the auditors of such company, which auditors shall state whether, in their opinion, the statement fairly presents the information it purports to show; *New*.

- (c) a statement with respect to net profits and the nature and source thereof, or net losses, as the case may be, in respect of the last three completed financial years, year by year, and any part of a subsequent financial year which is included in the balance sheet, and for such additional periods, but not exceeding seven years, as the Commission may require, where, in the opinion of the Commission, such further disclosure is desirable, or, if the company has been carrying on business for less than three years, then for such time as the company has been carrying on business, accompanied by a report of the auditors of such company stating whether, in their opinion, such statement fairly presents the earnings for the periods; 1945, c. 22, s. 49 (4), *part, amended*.

- (d) statements of surplus and profit and loss of such company or of such company and all its subsidiaries, as the case may be, pertaining to the last completed financial year and any part of a financial year included in the balance sheet; and 1945, c. 22, s. 49 (4), *part, amended*.

- (e) in the case of an investment company which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a similar type, a report by the auditors of such company with respect to the adequacy of the recorded liabilities of such company to the holders of such securities. *New*.

- (6) In the case of an investment company which has been ^{Idem.} carrying on business for less than three years but which, prior

to the date of the prospectus, acquired control of a business, either directly or by ownership of shares or otherwise, which has been carried on for a period longer than the business of the company, the requirements of clause *c* of subsection 5 shall apply as if the company had been carrying on business for the same period as the business of which it has acquired control.

Idem.

(7) If the proceeds or any part of the proceeds of the securities offered in the prospectus are or is to be applied directly or indirectly in the purchase of a business, the requirements of clause *c* of subsection 5 shall apply to the net profits or net losses, as the case may be, of both the company and such business. *New.*

Corrections.

(8) Where a change occurs during the period of primary distribution to the public in any material fact contained in any prospectus, financial statement or report accepted for filing under this section, which is of such a nature as to render such prospectus, financial statement or report misleading, an amended prospectus, financial statement or report shall be filed within twenty days from the date such change occurs but, subject to any direction of the Commission, the amended prospectus shall be required to be signed only by the signatories to the original prospectus and where any change in directors, promoters, underwriters or optionees has occurred since the filing of the original prospectus the decision of the Commission as to who shall be required to sign the amended prospectus or as to any like matter shall be final. 1945, c. 22, s. 49 (6), *amended*.

New prospectus and statements required after expiration of twelve months.

(9) Where primary distribution to the public of a security mentioned in subsection 1 is still in progress twelve months from the date of the last prospectus accepted for filing under subsection 1, a new prospectus as required under subsection 1 together with the financial statements required under subsection 5 shall be filed with the Commission within twenty days from the expiration of such twelve-month period. *New.*

PART XI.

GENERAL PROVISIONS RELATING TO MINING, INDUSTRIAL, AND INVESTMENT COMPANIES.

Exemptions. 46. Sections 43, 44 and 45 shall not apply to the sale of any securities,—

(a) which are mentioned in subsection 2 of section 19;

(b) which are listed and posted for trading on any recog-

nized stock exchange where such securities are sold through such stock exchange;

- (c) which are traded or sold to the public except in the primary distribution to the public thereof; or
- (d) from one person or company registered for trading in securities under this Act to another person or company registered for trading in securities under this Act where the purchasing person or company is acting as principal. 1945, c. 22, s. 49 (7); 1946, c. 86, s. 6, *amended*.

47.—(1) Where doubt exists whether any trade proposed or intended to be made in a security would be in the primary distribution to the public of the security, the Commission may, upon the application of any of the parties thereto, determine whether the proposed or intended trade would be in the course of the primary distribution to the public of the security and rule accordingly and such ruling shall be final and there shall be no appeal therefrom. Doubt as to nature of trade.

(2) Where doubt exists whether a primary distribution to the public of any security,— Doubt as to primary distribution.

(a) has been concluded; or

(b) is currently in progress,

the Commission may determine the question and rule accordingly and such ruling shall be final and there shall be no appeal therefrom. 1945, c. 22, s. 50.

48.—(1) Where a person or company proposing to make a primary distribution to the public of previously distributed securities of any company is unable to obtain from the company which is the issuer of such securities, information or material which is necessary for the purpose of complying with section 43, 44 or 45, as the case may be, the Commission may order the company which is the issuer of such securities to furnish to the person or company who or which proposes to make the distribution, such information and material as the Commission deems necessary for the purposes of the distribution upon such terms and subject to such conditions as it deems proper and all such information and material may be used by the person or company to whom it is furnished for the purpose of complying with this Act. Previously distributed securities, information re:

(2) Where a person or company proposing to make a primary distribution to the public of previously distributed securities of any company is unable to obtain any or all of the Inability to obtain signatures.

signatures to the prospectus as required under subsection 1 of section 43, subsection 1 of section 44 or subsection 1 of section 45, as the case may be, or otherwise to comply with section 43, 44 or 45, as the case may be, the Commission may, upon being satisfied that all reasonable efforts have been made to comply with section 43, 44 or 45, as the case may be, and that no person is likely to be prejudicially affected by the failure to comply, make such order, waiving any of the provisions of section 43, 44 or 45, as it deems advisable, upon such terms and subject to such conditions as it deems proper. 1945, c. 22, s. 51, *amended*.

Acceptance;
refusal of
prospectus,
statement or
report.

49. The Commission may in its discretion accept for filing any prospectus, financial statement or report or amended prospectus, financial statement or report submitted for filing under section 43, 44 or 45, as the case may be, and direct the registrar to issue a receipt therefor unless it appears to the Commission that,—

- (a) the prospectus, or any financial statement or report which is required to accompany the prospectus,
 - (i) fails to comply in any substantial respect with any of the requirements of section 43, 44 or 45, as the case may be, or
 - (ii) contains any statement, promise or forecast which is misleading, false or deceptive, or
 - (iii) has the effect of concealing material facts; or
- (b) an unconscionable consideration has been paid or given or is intended to be paid or given,
 - (i) for promotional purposes, or
 - (ii) for the acquisition of property; or
- (c) the proceeds from the sale of the securities which are to be paid into the treasury of the company, together with other resources of the company, are insufficient to accomplish the objects indicated in the prospectus; or
- (d) such escrow or pooling agreement as the Commission deems necessary or advisable with respect to securities issued for a consideration other than cash has not been entered into. 1945, c. 22, s. 52, *amended*.

Notice of
refusal.

50. Where the Commission decides not to accept for filing a prospectus submitted for filing under section 43, 44 or 45, as

the case may be, it shall forthwith cause notice of such decision to be served upon the person who or company which has submitted such prospectus for filing. 1945, c. 22, s. 53, *amended*.

51.—(1) Where it appears to the Commission subsequent to the filing of a prospectus or an amended prospectus under section 43, 44 or 45, as the case may be, and the issue of a receipt therefor, that any of the circumstances set out in section 49 exist, it may order that all trading in the primary distribution to the public of the securities to which such prospectus relates, shall cease. Order to
cease
trading.

(2) A notice of every order made under this section shall be served upon the person who or company which filed the prospectus and upon every person or company registered for trading in securities under this Act who or which has notified the Commission of his or its intention to engage in the primary distribution to the public of the securities and forthwith upon the receipt of such notice,— Notice of
order.

(a) no further trades shall be made in the primary distribution to the public of the securities named in the order by any person or company; and

(b) the prospectus or amended prospectus in question shall, for the purposes of this Act, be deemed not to be filed with the Commission and any receipt received therefor shall be deemed to be revoked.

(3) Where a notice is sent by prepaid mail under subsection 2, it shall be presumed to be received by the person or company to whom it is addressed in the ordinary course of post. 1945, c. 22, s. 54, *amended*. Presumption
of receipt.

52.—(1) Every person or company registered for trading in securities under this Act who receives from any person an order or subscription for a security to which section 43, 44 or 45 is applicable after having solicited such person to purchase such security shall, before entering into a contract for the sale of such security and before accepting payment or receiving any security under any such contract or in anticipation of making such a contract, deliver or cause to be delivered to such person a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with,— Delivery of
prospectus
to purchaser.

(a) a copy of the last financial statements and reports accepted for filing by the Commission, where financial statements and reports are required to be filed; and

- (b) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where such report is required to be filed.

Prospectus
to be de-
livered to
purchaser of
securities.

(2) Every person or company registered for trading in securities under this Act who receives from any person an order or subscription for a security to which section 43, 44 or 45 is applicable and who has not solicited such person to purchase such security shall, at any time not later than the delivery of the written confirmation of the sale of such security, deliver or cause to be delivered to such person a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with,—

- (a) a copy of the last financial statements and reports accepted for filing by the Commission, where such financial statements and reports are required to be filed; and

- (b) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where such report is required to be filed. 1945, c. 22, s. 55, *amended*.

When sec-
tion not
applicable.

(3) This section shall not be applicable to,—

- (a) a trade through a person or company registered for trading in securities under this Act who is not engaged in the primary distribution to the public of the security but is acting as the agent of the purchaser; or
- (b) a sale by a person who is not engaged in the primary distribution to the public of the security. 1946, c. 86, s. 7, *amended*.

Rescission of
contract.

53.—(1) A person who has entered into a contract to which section 52 applies shall be entitled to rescission of the contract where,—

- (a) section 52 has not been complied with;
- (b) written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within,
- (i) seven days of the date of the delivery of a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with a copy of the financial

statements and reports and summary of report, where required, provided that the date of such delivery is within sixty days of the date of the delivery of the written confirmation of the sale of the security, or

- (ii) sixty days of the date of the delivery of the written confirmation of the sale of the security provided that at the time such notice of exercising the right of rescission is served, a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with a copy of the financial statements and reports and summary of report, where required, have not been delivered; and

(c) the purchaser is still the owner of the security.

(2) In an action for rescission to which this section applies, ^{Onus.} the onus of proving compliance with section 52 shall be upon the person or company registered for trading in securities under this Act.

(3) No action shall be commenced under this section after ^{Period of limitation.} the expiration of a period of three months from the date of the service of notice under subsection 1. 1945, c. 22, s. 56, *amended.*

PART XII.

PROVISIONS RELATING TO TRADING IN SECURITIES GENERALLY.

54. No term in a contract between a person or company registered for trading in securities under this Act who acts as an agent, and a customer relating to any right of such person or company registered for trading in securities under this Act in respect of any security, shall be binding upon the customer where the Commission has declared such right to be unreasonable by notice in writing sent by registered mail to such person or company registered for trading in securities under this Act and to every stock exchange operating in Ontario, the Central District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario. 1945, c. 22, s. 57, *amended.* ^{Term of contract declared unreasonable.}

55. Every broker who has acted as agent for a customer in the purchase or sale of a security upon a stock exchange shall promptly send or deliver to the customer a written confirmation of the transaction setting forth, — ^{Confirmation to customers.}

- (a) the quantity and description of the security;
- (b) the consideration;
- (c) the name of the person or company from or to or through whom the security was bought or sold;
- (d) the day, and the name of the stock exchange, upon which the transaction took place; and
- (e) the commission charged in respect of such purchase or sale. 1945, c. 22, s. 58.

Confirmation
of unlisted
trades.

56. Every person or company registered for trading in securities under this Act who has acted either as principal or agent in connection with any trade in a security other than a trade upon a stock exchange shall promptly send to each customer a written confirmation of the transaction setting forth,—

- (a) the quantity and description of the security;
- (b) the consideration;
- (c) whether or not the person or company registered for trading in securities under this Act is acting as principal or agent;
- (d) the commission, if any, charged in respect of such purchase or sale;
- (e) the name of the salesman, if any, in the transaction; and
- (f) the day upon which the transaction took place.
1945, c. 22, s. 59, *amended*.

Calling at or
telephoning
residence.

57.—(1) No person shall,—

- (a) call at any residence; or
- (b) telephone from within Ontario to any residence within or outside of Ontario,

for the purpose of trading in any security with any member of the public. 1945, c. 22, s. 60 (1).

Exceptions.

(2) Subsection 1 shall not apply,—

- (a) where the person calls at or telephones to the residence,

(i) of a close personal friend, a business associate or a customer with whom or on whose behalf the person calling or telephoning has been in the habit of trading in securities, or

(ii) of a person who has requested in writing that information respecting a specific security be furnished him by the person so calling or telephoning, but in such case the person so calling or telephoning shall call or telephone only in reference to that security; or

(b) to a trade or trades in any securities in respect of which registration is not required under this Act. 1945, c. 22, s. 60 (2); 1946, c. 86, s. 8, *amended*.

(3) In this section "residence" shall include any building or ^{"Residence",—} part of a building in which the occupant resides either per-^{meaning of} manently or temporarily and any premises appurtenant thereto. 1945, c. 22, s. 60 (3).

58.—(1) No person or company, with the intention of ^{Prohibition} effecting a trade in a security, shall make any representation, ^{of repre-} written or oral, that he or it or any person or company,—^{sentations.}

(a) will resell or repurchase; or

(b) will refund all or any of the purchase price of,

any security in which he or it is trading. 1945, c. 22, s. 61 (1), *part, amended*.

(2) No person or company, with the intention of effecting a ^{Promises.} trade in a security, shall give any undertaking, written or oral, relating to the future value or price of such security. 1945, c. 22, s. 61 (2), *amended*.

(3) No person or company, with the intention of effecting a ^{Representa-} trade in a security, shall, except with the written permission ^{tion that} of the Commission, make any representation, written or oral, ^{security} that such security will be listed on any stock exchange or that ^{will be listed} application has or will be made to list such security upon any ^{on stock} stock exchange. 1945, c. 22, s. 61 (1), *part, amended*. ^{exchange.}

59.—(1) Where a person or company registered for trading ^{Notice where} in securities under this Act,—^{acting as} ^{principal.}

(a) with the intention of effecting a trade in a security,

(i) issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, or

- (ii) makes an oral offer or invitation for an offer to any person; and

- (b) proposes to act in such trade as a principal,

such person or company shall so indicate in such circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of any such security and before accepting payment or receiving any security or other consideration under or in anticipation of any contract for the sale or purchase of any security mentioned in clause *a*.

(2) A statement made in compliance with subsection 1 that a person or company registered for trading in securities under this Act proposes to act as a principal in connection with a trade in a security shall not prevent such person or company from acting as an agent in connection with a trade in such security. 1945, c. 22, s. 62, *amended*.

Rescission
of contract.

60.—(1) A person who has entered into a contract to which section 59 applies shall be entitled to rescission of the contract where,—

- (a) section 59 has not been complied with; and
- (b) written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within sixty days of the date of the delivery of the security to or by such person, as the case may be; and
- (c) in the case of a purchase by such person, he is still the owner of the security purchased.

Onus.

(2) In an action for rescission to which this section applies the onus of proving compliance with section 59 shall be upon the person or company registered for trading in securities under this Act. 1945, c. 22, s. 63 (1, 2), *amended*.

Period of
limitation.

(3) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1. 1945, c. 22, s. 63 (3).

Investment
counsel's
financial
interest.

61. Every registered investment counsel shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him, in type not less legible than that used in the body of the circular, pamphlet; advertisement, letter or other publication, a full and complete statement of any financial or other interest which he may have either

directly or indirectly in any securities referred to therein or in the sale or purchase thereof including,—

- (a) any ownership, beneficial or otherwise, which he may have in such securities or in any securities issued by the same company;
- (b) any option which he may have in respect of such securities, and the terms thereof;
- (c) any commission or other remuneration which he has received or may expect to receive from any person or company registered for trading in securities under this Act or otherwise in connection with any trade in such securities;
- (d) any financial arrangement which he may have with any person or company registered for trading in securities under this Act relating to such securities; and
- (e) any financial arrangement which he may have with any underwriter or other person who has any interest in the securities. 1945, c. 22, s. 64, *amended*.

62. Every partnership or company registered for trading in securities under this Act shall publish the name of every person having an interest, either directly or indirectly, to the extent of not less than ten per centum in the capital of the partnership or company, as the case may be, on all letterheads, circulars and other stationery upon which the name of the partnership or company appears and which contain any offer or solicitation respecting a trade in securities. 1945, c. 22, s. 65, *amended*. Publication of names.

63. No person or company registered under this Act shall use the name of another person or company registered under this Act on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he or it is a partner, officer or agent of the other person or company registered under this Act. 1945, c. 22, s. 66, *amended*. Use of name of another registered person or company.

64. No person or company shall hold himself or itself out as being registered under this Act by having printed in a circular, pamphlet, advertisement, letter, telegram or other stationery that he or it is so registered. 1945, c. 22, s. 68, *amended*. Registration not to be advertised.

65. No person or company who is not registered under this Act shall, either directly or indirectly, hold himself or itself out as being so registered. 1945, c. 22, s. 69, *amended*. Holding out by unregistered persons.

Advertising
Commission's
approval.

66. No person or company shall make any representation, written or oral, that the Commission has in any way passed upon the financial standing, fitness or conduct of any person or company registered under this Act or upon the merits of any security. 1945, c. 22, s. 70, *amended*.

Margin
contracts.

67.—(1) Where a person, or a member or employee of a partnership, or a director, officer or employee of a company after he, or the partnership or company has contracted as a person or company registered for trading in securities under this Act, with any customer to buy and carry upon margin any securities of any person or company either in Canada or elsewhere, and while such contract continues sells or causes to be sold, securities of the same person or company for any account in which,—

(a) he;

(b) his firm or a partner thereof; or

(c) the company or a director thereof,

has a direct or indirect interest, if the effect of such sale shall, otherwise than unintentionally, be to reduce the amount of such securities in the hands of the person or company registered for trading in securities under this Act or under his or its control in the ordinary course of business below the amount of such securities which he or it should be carrying for all customers, any such contract with a customer shall at the option of such customer be void, and the customer may recover from the person or company registered for trading in securities under this Act, all moneys paid with interest thereon or securities deposited in respect thereof.

Exercise of
option.

(2) The customer may exercise such option by a registered letter to that effect addressed to the person or company registered for trading in securities under this Act, at his or its address for service in Ontario. 1945, c. 22, s. 73, *amended*.

PART XIII.

OFFENCES AND PENALTIES.

Penalties.

68.—(1) Every person, including any officer, director, official or employee of a company, who is knowingly responsible for,—

(a) any fictitious or pretended trade in any security;

- (b) any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser or the vendor of any security as to the nature of any transaction or as to the value of such security;
- (c) the making of any material false statement in any application, information, statement, material or evidence submitted or given to the Commission, its representative, the registrar or any person appointed to make an investigation or audit under this Act, under the provisions of this Act or the regulations;
- (d) the furnishing of false information in any report, statement, return, balance sheet or other document required to be filed or furnished under this Act or the regulations;
- (e) the commission of any act or failure to perform any act where such commission or failure constitutes a violation of any provision of this Act or the regulations; or
- (f) failure to observe or comply with any order, direction or other requirement made under this Act or the regulations,

shall be liable to a penalty of not more than \$2,000 or to imprisonment for a term not exceeding one year or both. 1945, c. 22, s. 74 (1), *amended*.

(2) The provisions of subsection 1 shall be deemed to apply, *Companies. mutatis mutandis*, to any company save that the money penalties may be increased in the discretion of the magistrate to a sum not exceeding \$25,000. 1945, c. 22, s. 74 (2).

69.—(1) No proceedings under section 68 shall be instituted except with the consent or under the direction of the Attorney General. Consent before action.

(2) No proceedings under section 68 shall be commenced more than six months after the facts upon which the proceedings are based first came to the knowledge of the Commission. Time for commencement of action.
1945, c. 22, s. 75.

70. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. 1945, c. 22, s. 76. Recovery of penalties. Rev. Stat., c. 136.

PART XIV.

GENERAL PROVISIONS.

Stock
exchanges.

71. No person or company shall carry on business as a stock exchange without the consent in writing of the Commission. 1945, c. 22, s. 31.

Record.

72. Every stock exchange in Ontario shall keep a record showing the time at which each transaction on such exchange took place and shall supply to any customer of any member of such exchange, upon production of a written confirmation of any transaction with such member, particulars of the time at which such transaction took place and verification or otherwise of the matters set forth in such confirmation. 1945, c. 22, s. 32.

Liability of
directors,
promoters,
etc., for
untrue
statements in
prospectus.

73.—(1) Where a prospectus has been accepted for filing by the Commission under the provisions of this Act, every purchaser of the securities to which the prospectus relates shall be deemed to have relied upon the representations made in the prospectus whether the purchaser has received the prospectus or not and, if any material false statement is contained in the prospectus, every person who is a director of the company issuing the securities at the time of the issue of the prospectus, and every person who, having authorized such naming of him, is named in the prospectus as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company, and every person who has authorized the issue of the prospectus, shall be liable to pay compensation to all persons who have purchased the securities for any loss or damage such persons may have sustained, unless it is proved that,—

Where not
liable.

- (a) having consented to become a director of the company, he withdrew his consent before the issue of the prospectus, and that the prospectus was issued without his authority or consent; or
- (b) the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued; or
- (c) after the issue of the prospectus and before a sale of the securities, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of such withdrawal and of the reason therefor; or

- (d) with respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable grounds to believe and did up to the time of the sale of the securities, believe that the statement was true; or
- (e) with respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy or extract from the report or valuation, but the director, person named as director, promoter, or person who authorized the issue of the prospectus, shall be liable to pay compensation as aforesaid, if it is proved that he had no reasonable grounds to believe that the person making the statement, report or valuation was competent to make it; or
- (f) with respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document.

(2) In this section "prospectus" shall include every statement and report and summary of report required to be filed with the prospectus under this Act. *New.* "Prospectus", defined.

74. Except with the consent of the Attorney General no action whatever and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted,— No action, etc., against persons administering Act.

- (a) against any person whether in his public or private capacity, or against any company in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the regulations where such person is a member of the Commission, a representative of the Commission or the registrar, or where such person or company was proceeding under the written or verbal direction or consent of any one of them or under an order of the Attorney General made under the provisions of this Act; or
- (b) against any exchange auditor, district association auditor, or association auditor employed under the provisions of clause *b* of section 38 in respect of the

performance of his duties as such. 1945, c. 22, s. 77, *amended*.

Regulations. 75. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing requirements respecting applicants for registration;
- (b) prescribing the classes of negotiable securities which may be accepted as collateral security for a bond;
- (c) regulating the listing and trading of securities and records relating thereto;
- (d) governing the furnishing of information by any person or company registered under this Act to the public in connection with securities or trades therein;
- (e) governing the keeping of accounts and records and the preparation and filing of financial statements of the affairs of security issuers;
- (f) designating any person or company or any class of persons or companies which shall not be required to obtain registration as investment counsel;
- (g) prescribing the fees payable to the Commission, including fees for filing, fees upon applications for registration, fees in respect of audits made by the Commission and other fees in connection with the administration of this Act and the regulations;
- (h) prescribing the amount and form of bonds to be furnished to the Commission by applicants for registration;
- (i) prescribing the form, contents and other particulars relating to statements, agreements and other information required to be filed, furnished or delivered under this Act and the regulations;
- (j) prescribing the practice and procedure upon investigations under sections 26 and 28;
- (k) prescribing the forms for use under this Act and the regulations;
- (l) prescribing trades or securities, in addition to the trades and securities mentioned in section 19, in respect of which registration shall not be required;

- (m) prescribing trades or securities mentioned in section 19 in respect of which there shall cease to be exemption from registration;
- (n) prescribing terms and conditions which shall be contained in an escrow or pooling agreement with respect to securities issued for a consideration other than cash; and
- (o) generally for the better carrying out of the provisions of this Act and for the more efficient administration thereof. 1945, c. 22, s. 78; 1946, c. 86, s. 9, *amended*.

76. A statement as to,—

Certificate
as evidence.

- (a) the registration or non-registration of any person or company;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Commission; or
- (c) any other matter pertaining to such registration, non-registration, filing or non-filing or to any such person, document or material,

purporting to be certified by the Commission or a member thereof or by the registrar shall, without proof of the office or signature of the person certifying, be receivable in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. 1945, c. 22, s. 79.

77.—(1) Where a magistrate or justice of another province issues a warrant for the arrest of any person on a charge of violating any provision of this Act or any similar statute of that province, any magistrate or justice of Ontario within whose jurisdiction that person is or is suspected to be may upon satisfactory proof of the handwriting of the magistrate or justice who issues the warrant make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed shall be sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all constables within the territorial jurisdiction of the magistrate or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to re-arrest such person anywhere in Ontario.

Execution
of warrant
issued in
another
province.

(2) Any constable of Ontario or of any other province of Canada who is passing through Ontario having in his custody a person arrested in another province under a warrant endorsed

Prisoner
in transit.

in pursuance of subsection 1 shall be entitled to hold, take and re-arrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. 1945, c. 22, s. 80.

Expenses. **78.** Section 17 of *The Audit Act* shall apply *mutatis mutandis* as if the provisions thereof, except the references to the Deputy Attorney General, were enacted in and formed part of this Act. 1945, c. 22, s. 81.

Present registration continued in force. **79.** Every registration in force under *The Securities Act, 1945*, at the date of the coming into force of this Act shall, subject to the provisions of this Act, continue in force as a registration under this Act. 1945, c. 22, s. 82; 1946, c. 86, s. 10, *amended*.

1945, c. 22; 1946, c. 86; 1945, c. 16, repealed. **80.** *The Securities Act, 1945, The Securities Amendment Act, 1946, and The Prospecting Syndicate Agreements Act, 1945*, are repealed.

Commencement of Act. **81.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. **82.** This Act may be cited as *The Securities Act, 1947*.

1st Reading

October 22nd, 1947

2nd Reading

October 27th, 1947

3rd Reading

October 30th, 1947

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to provide for the Establishment of the Broker-Dealers'
Association.

MR. BLACKWELL

EXPLANATORY NOTES

This Bill is supplementary to Bill No. 31, *The Securities Act, 1947*, and should be construed in conjunction with it.

One of its most important objects is to establish a body corporate to be known as The Broker-Dealers' Association of Ontario, the members of which shall include, unless the Ontario Securities Commission sees fit to make exceptions because of discrimination, injustice, etc., by the Association, all persons and companies in the Province of Ontario who devote their full time to trading generally in securities in the capacity of agents or principals and who are not members of any stock exchange or of the Central District of the Investment Dealers' Association of Canada. However, it should be noted that membership in the Association will be open to persons and companies who already hold membership in a stock exchange or in the Central District of the Investment Dealers' Association of Canada but the decision rests with them as to whether or not they wish to make application for admission to membership. It is anticipated that the majority of the members of the Association will be persons or companies who trade principally in mining securities which are not listed on any stock exchange.

A further important object of the Bill is to empower the Association to supervise and discipline its own members and with this end in view broad powers to make adequate regulations, subject to the approval of the Ontario Securities Commission, are proposed in the Bill.

The actual provisions of the Bill are self-explanatory.

BILL

An Act to provide for the Establishment of the Broker-Dealers' Association.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1. In this Act,—

(a) "Association" shall mean The Broker-Dealers' Association of Ontario; and "Association";

(b) "Board" shall mean Board of Governors of the Association. "Board".

2. There shall be an association to be known as "The Broker-Dealers' Association of Ontario" which shall be a body corporate. <sup>Association,—
establishment of.</sup>

3.—(1) The Board of Governors of the Association shall be elected by the members of the Association in the manner prescribed by the regulations. <sup>Board of
Governors.</sup>

(2) The Lieutenant-Governor in Council may appoint the members of the first Board. <sup>Members of
first Board,—
appointment.</sup>

4. The Board may borrow money upon the credit of the Association in such amounts and upon such terms as may be deemed necessary by the Board. <sup>Borrowing
power.</sup>

5.—(1) Subject to the approval of the Ontario Securities Commission, the Board may make regulations,— ^{Regulations.}

(a) prescribing the number of members which shall constitute the Board and the term of office of the members of the Board;

(b) providing for the holding of elections of members of the Board, including the time and manner of nominating candidates and voting thereat;

- (c) prescribing the powers and duties of the Board;
- (d) prescribing the qualifications of members of the Association and the manner of obtaining membership in the Association;
- (e) prescribing different classes of membership in the Association;
- (f) providing for and prescribing membership and other fees and assessments which shall be payable to the Association by the members or any class of members thereof;
- (g) regulating the manner of carrying on business by members of the Association;
- (h) prescribing a code of ethics to be observed by members of the Association and defining unethical conduct;
- (i) providing for the suspension and expulsion from membership in the Association and other disciplinary measures including the imposition of money penalties, against members of the Association, for violations of the regulations and unethical conduct;
- (j) providing for the auditing of the books and accounts of members of the Association;
- (k) providing for the investigation of the affairs of members of the Association and of the manner in which a member of the Association is conducting his business, either generally or in relation to specific transactions;
- (l) providing for an allowance for expenses for the members of the Board;
- (m) providing for the employment of such persons as may be deemed necessary;
- (n) providing for the payment of the expenses of the Association out of the funds of the Association; and
- (o) generally for the better carrying out of the provisions of this Act.

Regulations
not to inter-
fere with
right to
carry on
certain
business.

(2) No regulation made under this Act shall interfere with the right of any person, other than a member of the Association, to carry on business as a broker or dealer in securities or otherwise.

6.—(1) A person who is not a member of the Association shall not, orally or in writing, state that he is or hold himself out as being a member of the Association. ^{False representation.}

(2) Every person who violates the provisions of subsection 1 shall be guilty of an offence and liable to a penalty not exceeding \$100 recoverable under *The Summary Convictions Act*. ^{Penalty. Rev. Stat., c. 136.}

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commencement of Act.}

8. This Act may be cited as *The Broker-Dealers Act, 1947*. ^{Short title.}

An Act to provide for the Establishment
of the Broker-Dealers'
Association.

1st Reading

October 22nd, 1947

2nd Reading

3rd Reading

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to provide for the Establishment of the Broker-Dealers'
Association.

MR. BLACKWELL

BILL

An Act to provide for the Establishment of the Broker-Dealers' Association.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpre-
tation,—

1. In this Act,—

(a) "Association" shall mean The Broker-Dealers' As-<sup>"Associa-
tion";</sup>
sociation of Ontario; and

(b) "Board" shall mean Board of Governors of the "Board".
Association.

2. There shall be an association to be known as "The Associa-
Broker-Dealers' Association of Ontario" which shall be a body<sup>tion,—
establish-
ment of.</sup>
corporate.

3.—(1) The Board of Governors of the Association shall be<sup>Board of
Governors.</sup>
elected by the members of the Association in the manner
prescribed by the regulations.

(2) The Lieutenant-Governor in Council may appoint the<sup>Members of
first Board,—
appoint-
ment.</sup>
members of the first Board.

4. The Board may borrow money upon the credit of the<sup>Borrowing
power.</sup>
Association in such amounts and upon such terms as may be
deemed necessary by the Board.

5.—(1) Subject to the approval of the Ontario Securities^{Regulations.}
Commission, the Board may make regulations,—

(a) prescribing the number of members which shall
constitute the Board and the term of office of the
members of the Board;

(b) providing for the holding of elections of members of
the Board, including the time and manner of nomina-
ting candidates and voting thereat;

- (c) prescribing the powers and duties of the Board;
- (d) prescribing the qualifications of members of the Association and the manner of obtaining membership in the Association;
- (e) prescribing different classes of membership in the Association;
- (f) providing for and prescribing membership and other fees and assessments which shall be payable to the Association by the members or any class of members thereof;
- (g) regulating the manner of carrying on business by members of the Association;
- (h) prescribing a code of ethics to be observed by members of the Association and defining unethical conduct;
- (i) providing for the suspension and expulsion from membership in the Association and other disciplinary measures including the imposition of money penalties, against members of the Association, for violations of the regulations and unethical conduct;
- (j) providing for the auditing of the books and accounts of members of the Association;
- (k) providing for the investigation of the affairs of members of the Association and of the manner in which a member of the Association is conducting his business, either generally or in relation to specific transactions;
- (l) providing for an allowance for expenses for the members of the Board;
- (m) providing for the employment of such persons as may be deemed necessary;
- (n) providing for the payment of the expenses of the Association out of the funds of the Association; and
- (o) generally for the better carrying out of the provisions of this Act.

Regulations
not to inter-
fere with
right to
carry on
certain
business.

(2) No regulation made under this Act shall interfere with the right of any person, other than a member of the Association, to carry on business as a broker or dealer in securities or otherwise.

6.—(1) A person who is not a member of the Association shall not, orally or in writing, state that he is or hold himself out as being a member of the Association. ^{False representation.}

(2) Every person who violates the provisions of subsection 1 shall be guilty of an offence and liable to a penalty not exceeding \$100 recoverable under *The Summary Convictions Act*. ^{Penalty. Rev. Stat., c. 136.}

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commencement of Act.}

8. This Act may be cited as *The Broker-Dealers Act, 1947*. ^{Short title.}

An Act to provide for the Establishment
of the Broker-Dealers'
Association.

1st Reading

October 22nd, 1947

2nd Reading

October 27th, 1947

3rd Reading

October 30th, 1947

MR. BLACKWELL

No. 33

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of the Bill is to exclude from the licensing requirements of *The Real Estate and Business Brokers Act, 1946*, a person who is a full-time employee of one of the parties to a trade in real estate where such employee is acting for or on behalf of his employer, and a person who trades on his own account in the circumstances indicated in the proposed clause *ee* of section 16 of the Act as enacted by section 1 of the Bill.

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Real Estate and Business Brokers Act*, 1946, c. 85, s. 16, amended. is amended by striking out the word "or" in the third line of clause *e* and by adding thereto the following clauses:

(*dd*) a full-time employee of a party to a trade where the employee is acting for or on behalf of his employer;

.

(*ee*) any person, on his own account, in respect of his real estate, where such trade did not result from,

(i) an offer of such person to act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade, or

(ii) a request that such person act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade,

and the interest of such person in the real estate was acquired prior to such offer or request; or

.

2. This Act shall come into force on the day upon which Commence-
ment of Act. it receives the Royal Assent.

3. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1947* Short title. (No. 2).

An Act to amend The Real Estate and
Business Brokers Act, 1946.

1st Reading

October 22nd, 1947

2nd Reading

3rd Reading

MR. BLACKWELL

No. 33

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Real Estate and Business Brokers Act*, 1946, is amended by striking out the word "or" in the third line of clause *e* and by adding thereto the following clauses:

(*dd*) a full-time employee of a party to a trade where the employee is acting for or on behalf of his employer;

.

(*ee*) any person, on his own account, in respect of his real estate, where such trade did not result from,

(i) an offer of such person to act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade, or

(ii) a request that such person act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade,

and the interest of such person in the real estate was acquired prior to such offer or request; or

.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

3. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1947* (No. 2). Short title.

An Act to amend The Real Estate and
Business Brokers Act, 1946.

1st Reading

October 22nd, 1947

2nd Reading

October 27th, 1947

3rd Reading

October 30th, 1947

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to restrict the Use of White Canes to Blind Persons.

MR. BLACKWELL

EXPLANATORY NOTE

The provisions of this Bill are self-explanatory.

BILL

An Act to restrict the Use of White Canes to Blind Persons.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

(a) “blind person” shall mean a person who,

“blind person”;

(i) is registered as blind with The Canadian National Institute for the Blind, a corporation incorporated under the *Companies Act*, being chapter 79 of the Revised Statutes of Canada, 1906, c. 79.

R.S.C. 1906, c. 79.

(ii) is in receipt of a pension on account of blindness under *The Old Age Pensions Act* and the *Old Age Pensions Act* (Canada), or

Rev. Stat., c. 314.
R.S.C., c. 156.

(iii) having been in receipt of a pension on account of blindness under the said Acts, is in receipt of an old age pension under the said Acts and is still blind within the meaning of the said Acts and regulations made thereunder; and

(b) “white cane” shall mean a cane or walking stick the major portion of which is white.

“white cane”.

2. No person other than a blind person shall carry or use a white cane in any public thoroughfare, public conveyance or public place.

Restriction on use of white cane.

3.—(1) This Act shall not apply to any person who is not a resident of Ontario.

Application of Act.

(2) Where, in any prosecution, the person charged with a violation of the Act alleges that he is not a resident of Ontario, the burden of proving the allegation shall be upon such person.

Burden of proof.

Penalty.

4.—(1) Any person who violates the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding \$25.

Recovery of
penalty.

Rev. Stat.,
c. 136.

(2) The penalty provided by this section shall be recoverable under *The Summary Convictions Act*.

Short title.

5. This Act may be cited as *The White Cane Act, 1947*.

An Act to restrict the Use of White Canes
to Blind Persons.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to restrict the Use of White Canes to Blind Persons.

MR. BLACKWELL

BILL

An Act to restrict the Use of White Canes to Blind Persons.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

(a) “blind person” shall mean a person who,

“blind
person”;

(i) is registered as blind with The Canadian National Institute for the Blind, a corporation incorporated under the *Companies Act*, being chapter 79 of the Revised Statutes of Canada, ^{R.S.C.} 1906, c. 79, 1906,

(ii) is in receipt of a pension on account of blindness under *The Old Age Pensions Act* and the *Old Age Pensions Act* (Canada), or <sup>Rev. Stat.,
c. 314.
R.S.C.,
c. 156.</sup>

(iii) having been in receipt of a pension on account of blindness under the said Acts, is in receipt of an old age pension under the said Acts and is still blind within the meaning of the said Acts and regulations made thereunder; and

(b) “white cane” shall mean a cane or walking stick <sup>“white
cane”.</sup> the major portion of which is white.

2. No person other than a blind person shall carry or use <sup>Restriction
on use of
white cane.</sup> a white cane in any public thoroughfare, public conveyance or public place.

3.—(1) This Act shall not apply to any person who is not <sup>Application
of Act.</sup> a resident of Ontario.

(2) Where, in any prosecution, the person charged with a <sup>Burden of
proof.</sup> violation of the Act alleges that he is not a resident of Ontario, the burden of proving the allegation shall be upon such person.

Penalty.

4.—(1) Any person who violates the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding \$25.

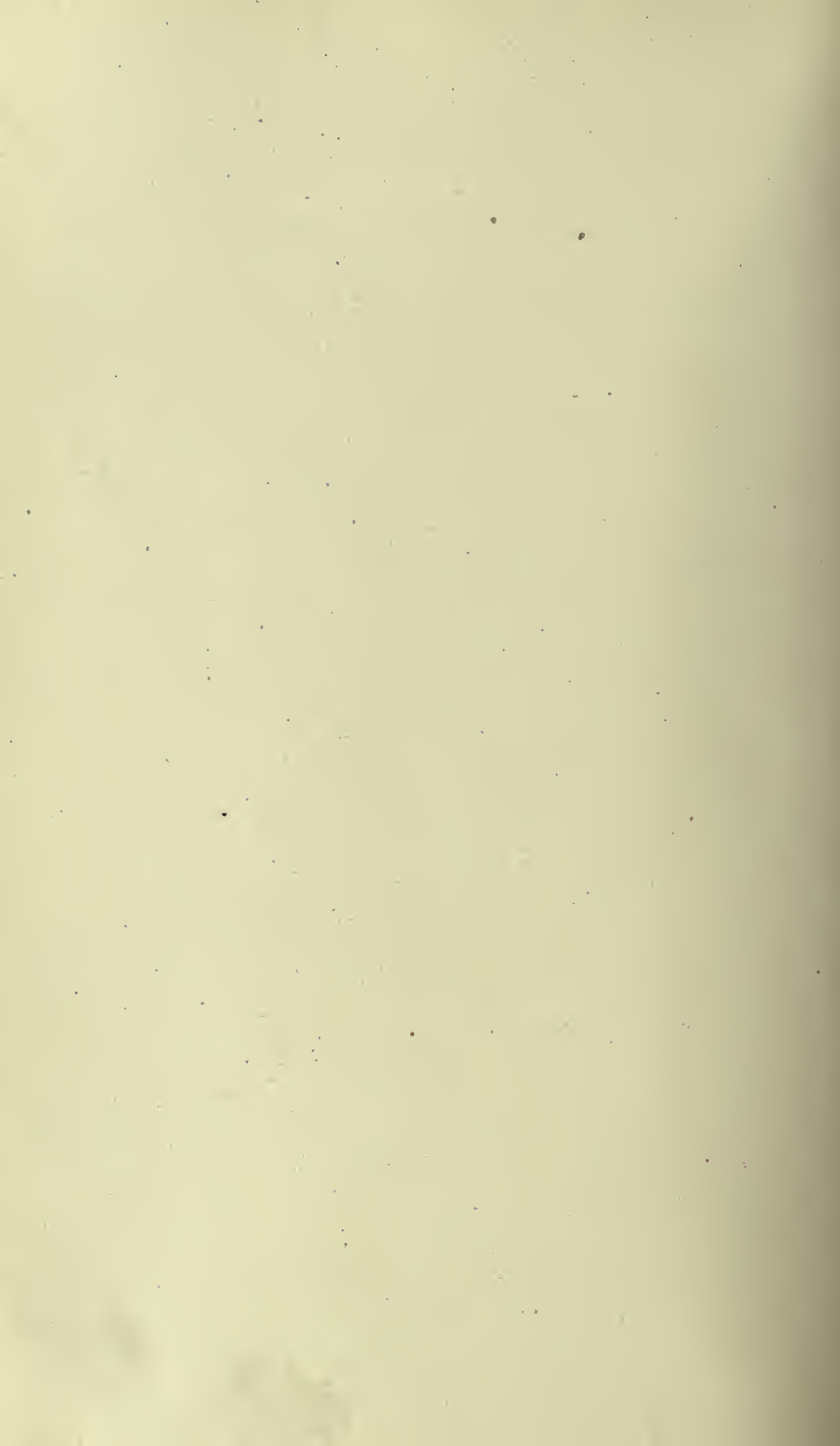
Recovery of penalty.

Rev. Stat.,
c. 136.

Short title.

(2) The penalty provided by this section shall be recoverable under *The Summary Convictions Act*.

5. This Act may be cited as *The White Cane Act, 1947*.



An Act to restrict the Use of White Canes
to Blind Persons.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Live Stock Branding Act.

MR. KENNEDY

EXPLANATORY NOTE

The Live Stock Commissioner has taken the place of the Director of Live Stock and accordingly the Act is changed to conform to the new title.

BILL

An Act to amend The Live Stock Branding Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Live Stock Branding Act* is amended by Rev. Stat., c. 341, s. 4, amended. striking out the words "Director of the Live Stock Branch" in the first line and inserting in lieu thereof the words "Live Stock Commissioner", so that the said section shall now read as follows:

4. The Live Stock Commissioner of the Department of Record of all brands. Agriculture shall be recorder of brands and shall receive applications, keep a record of all brands allotted and make transfers and cancellations in accordance with the terms of this Act.

2. This Act may be cited as *The Live Stock Branding* Short title. *Amendment Act, 1947.*

An Act to amend The Live Stock
Branding Act.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Live Stock Branding Act.

MR. KENNEDY

No. 35

1947

BILL

An Act to amend The Live Stock Branding Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Live Stock Branding Act* is amended by Rev. Stat., striking out the words "Director of the Live Stock Branch", ^{c. 341, s. 4,} amended. in the first line and inserting in lieu thereof the words "Live Stock Commissioner", so that the said section shall now read as follows:

4. The Live Stock Commissioner of the Department of ^{Record of} Agriculture shall be recorder of brands and shall ^{all brands.} receive applications, keep a record of all brands allotted and make transfers and cancellations in accordance with the terms of this Act.

2. This Act may be cited as *The Live Stock Branding* ^{Short title.} *Amendment Act, 1947.*

An Act to amend The Live Stock
Branding Act.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. KENNEDY

EXPLANATORY NOTE

The Bill provides that regulations may be made respecting classes of farm products.

BILL

An Act to amend The Farm Products Grades and Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Farm Pro-* Rev. Stat.,
c. 307, s. 2,
ducts Grades and Sales Act is amended by inserting after the subs. 1,
cl. a,
word "grades" the words "and classes", so that the said clause amended.
shall now read as follows:

(a) establishing grades and classes for any farm product.

2. This Act may be cited as *The Farm Products Grades and* Short title.
Sales Amendment Act, 1947.

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. KENNEDY

No. 36

1947

BILL

An Act to amend The Farm Products Grades and Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Farm Pro-* Rev. Stat.,
c. 307, s. 2,
subs. 1,
cl. *a*,
amended.
ducts Grades and Sales Act is amended by inserting after the word "grades" the words "and classes", so that the said clause shall now read as follows:

(a) establishing grades and classes for any farm product.

2. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1947*. Short title.

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Cheese and Hog Subsidy Act, 1947.

MR. KENNEDY

EXPLANATORY NOTE

The effect of this Bill is to extend the provisions of *The Cheese and Hog Subsidy Act, 1941*, until the 31st day of March, 1948.

BILL

The Cheese and Hog Subsidy Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of ^{1941, c. 11,} *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog* ^{continued} *Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, ^{in force.} ^{1942, c. 6;} ^{1943, c. 3;} *The Cheese and Hog Subsidy Act, 1944*, *The Cheese and Hog* ^{1944, c. 8;} *Subsidy Act, 1945*, or *The Cheese and Hog Subsidy Act, 1946*, ¹⁹⁴⁵ ^{(2nd Sess.),} all the other provisions of *The Cheese and Hog Subsidy Act*, ^{c. 1;} ^{1946, c. 8.} *1941*, shall continue in force and have effect until the 31st day of March, 1948.

2. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent and shall have effect on and after ^{ment of Act.} the 1st day of April, 1947.

3. This Act may be cited as *The Cheese and Hog Subsidy* ^{Short title.} *Act, 1947*.

The Cheese and Hog Subsidy Act, 1947.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Cheese and Hog Subsidy Act, 1947.

MR. KENNEDY

No. 37

1947

BILL

The Cheese and Hog Subsidy Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of ^{1941, c. 11,} *The Cheese and Hog Subsidy Act, 1941*, ^{continued} *The Cheese and Hog* ^{in force.} *Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, ^{1942, c. 6;} *The Cheese and Hog Subsidy Act, 1944*, ^{1943, c. 3;} *The Cheese and Hog* ^{1944, c. 8;} *Subsidy Act, 1945*, or *The Cheese and Hog Subsidy Act, 1946*, ¹⁹⁴⁵ ^{(2nd Sess.),} all the other provisions of *The Cheese and Hog Subsidy Act*, ^{c. 1;} ^{1946, c. 8.} *1941*, shall continue in force and have effect until the 31st day of March, 1948.

2. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent and shall have effect on and after ^{ment of Act.} the 1st day of April, 1947.

3. This Act may be cited as *The Cheese and Hog Subsidy* ^{Short title.} *Act, 1947*.

The Cheese and Hog Subsidy Act, 1947.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Credit Unions Act, 1940.

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. Under the Act at the present time the certificate of incorporation is issued by the Minister and all by-laws and amendments thereto require the approval of the Minister. The amendment requires by-laws to be approved by the registrar of credit unions in lieu of the Minister.

SECTION 2. Under the Act at the present time loans made by a credit union to a corporation require the approval of the Minister. This has not proved satisfactory and this section has been re-enacted to require loans to corporations to be approved by a joint meeting of the board of directors, credit committee and supervisory committee.

SECTION 3. This section permits a credit union that belongs to a league to provide by by-law for assessing its members up to fifty cents each in order to assist in financing the league.

No, 38

1947

BILL

An Act to amend The Credit Unions Act, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 17 of *The Credit Unions Act, 1940*, is amended by striking out the word "Minister" in the second line and inserting in lieu thereof the word "registrar", so that the said subsection shall now read as follows: ^{1940, c. 7, s. 17, subs. 1, amended.}
- (1) No by-law or amendment of a by-law shall be valid until it has been approved by the registrar, for which purpose two copies thereof, signed by three members and the secretary, or by the president and the secretary, shall be sent to the registrar. ^{Amendments to by-laws.}
- (2) Subsection 2 of the said section 17 is amended by striking out the word "Minister" in the first line and inserting in lieu thereof the word "registrar", so that the said subsection shall now read as follows: ^{1940, c. 7, s. 17, subs. 2, amended.}
- (2) The registrar, on being satisfied that a by-law or amendment of a by-law has been duly passed by the credit union, may approve thereof. ^{Approval of amendment.}
2. Section 22 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor: ^{1940, c. 7, s. 22, re-enacted.}
22. Any corporation may become a member of a credit union but no loan shall be made to any such corporation unless the loan has been approved by a joint meeting of the board of directors, credit committee and supervisory committee of the credit union. ^{Loan to corporations.}
3. Section 48 of *The Credit Unions Act, 1940*, as re-enacted by section 3 of *The Credit Unions Amendment Act, 1942*, is amended by adding thereto the following subsection: ^{1940, c. 7, s. 48 (1942, c. 7, s. 3), amended.}

Assessment
of members
for league.

- (6) A credit union that is a member of a league may by by-law provide for a yearly assessment of each member of the credit union of an amount not to exceed fifty cents which amounts shall be forwarded to the league to assist in its financing.

Short title.

4. This Act may be cited as *The Credit Unions Amendment Act, 1947*.

BILL

An Act to amend The Credit Unions
Act, 1940.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Credit Unions Act, 1940.

MR. KENNEDY

BILL

An Act to amend The Credit Unions Act, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 17 of *The Credit Unions Act, 1940*, is amended by striking out the word "Minister" in the second line and inserting in lieu thereof the word "registrar", so that the said subsection shall now read as follows: 1940, c. 7, s. 17, subs. 1, amended.

(1) No by-law or amendment of a by-law shall be valid until it has been approved by the registrar, for which purpose two copies thereof, signed by three members and the secretary, or by the president and the secretary, shall be sent to the registrar. Amendments to by-laws.

(2) Subsection 2 of the said section 17 is amended by striking out the word "Minister" in the first line and inserting in lieu thereof the word "registrar", so that the said subsection shall now read as follows: 1940, c. 7, s. 17, subs. 2, amended.

(2) The registrar, on being satisfied that a by-law or amendment of a by-law has been duly passed by the credit union, may approve thereof. Approval of amendment.

2. Section 22 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor: 1940, c. 7, s. 22, re-enacted.

22. Any corporation may become a member of a credit union but no loan shall be made to any such corporation unless the loan has been approved by a joint meeting of the board of directors, credit committee and supervisory committee of the credit union. Loan to corporations.

3. Section 48 of *The Credit Unions Act, 1940*, as re-enacted by section 3 of *The Credit Unions Amendment Act, 1942*, is amended by adding thereto the following subsection: 1940, c. 7, s. 48 (1942, c. 7, s. 3), amended.

Assessment
of members
for league.

- (6) A credit union that is a member of a league may by by-law provide for a yearly assessment of each member of the credit union of an amount not to exceed fifty cents which amounts shall be forwarded to the league to assist in its financing.

Short title.

4. This Act may be cited as *The Credit Unions Amendment Act, 1947*.

An Act to amend The Credit Unions
Act, 1940.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. KENNÉDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Control of Warble-fly.

MR. KENNEDY

EXPLANATORY NOTE

The purpose of the Bill is to enable municipalities to pass by-laws to control warble-fly. Provision is also made for a municipality to appoint an inspector or inspectors to carry out the provisions of any by-law passed by the municipality under the Act.

BILL

An Act respecting the Control of Warble-fly.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Commissioner" shall mean Live Stock Commis-
sioner; "Commis-
sioner";
- (b) "municipality" shall mean city, town, village or
township; "muni-
cipality";
- (c) "treated for warble-fly" shall mean treated in the
manner prescribed by the regulations; "treated for
warble-fly";
- (d) "regulations" shall mean regulations made under this
Act; and "regula-
tions";
- (e) "warble-fly" shall mean *hypoderma bovis*, commonly
known as the heel-fly or ox-warble-fly, and *hypoderma*
lineatum, commonly known as the bomb-fly or
gad-fly. "warble-
fly".

2.—(1) The council of any municipality may, and upon receipt of a petition signed by at least fifty ratepayers the council of a township shall, by by-law provide that all cattle within the municipality shall be treated for warble-fly. Municipal-
ities may
pass by-laws
respecting
warble-fly.

(2) When a municipality has passed a by-law under sub-section 1 no cattle shall be brought into the municipality between the 1st day of April and the 30th day of June in any year during the continuance in force of the by-law unless they have been treated for warble-fly during the current year. Prohibition
re cattle
entering
muni-
cipality.

(3) Every by-law passed by a municipality under this Act shall be filed by the clerk of the municipality with the Commissioner. By-law to
be filed.

Inspectors,—
appoint-
ment of.

3. A municipality that has passed a by-law under this Act may appoint an inspector or inspectors to enforce the provisions of the by-law and every inspector so appointed may enter any premises for the purpose of enforcing the by-law.

Regulations.

4. The Lieutenant-Governor in Council may make regulations prescribing the manner in which cattle may be treated for warble-fly.

Penalties.

5.—(1) Every person who violates any of the provisions of a by-law passed under this Act shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a penalty of not less than \$50 and not exceeding \$200 for a subsequent offence.

Recovery of
penalties.
Rev. Stat.,
c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Short title.

6. This Act may be cited as *The Warble-fly Control Act, 1947*.

An Act respecting the Control of
Warble-fly.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Control of Warble-fly.

MR. KENNEDY

BILL

An Act respecting the Control of Warble-fly.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Commissioner" shall mean Live Stock Commis-^{"Commis-}
sioner; ^{sioner";}
- (b) "municipality" shall mean city, town, village or ^{"municipi-}
township; ^{pality";}
- (c) "treated for warble-fly" shall mean treated in the ^{"treated for}
manner prescribed by the regulations; ^{warble-fly";}
- (d) "regulations" shall mean regulations made under this ^{"regula-}
Act; and ^{tions";}
- (e) "warble-fly" shall mean *hypoderma bovis*, commonly ^{"warble-}
known as the heel-fly or ox-warble-fly, and *hypoderma* ^{fly".}
lineatum, commonly known as the bomb-fly or
gad-fly.

2.—(1) The council of any municipality may, and upon receipt of a petition signed by at least fifty ratepayers the council of a township shall, by by-law provide that all cattle within the municipality shall be treated for warble-fly. <sup>Municipal-
ities may
pass by-laws
respecting
warble-fly.</sup>

(2) When a municipality has passed a by-law under sub-section 1 no cattle shall be brought into the municipality between the 1st day of April and the 30th day of June in any year during the continuance in force of the by-law unless they have been treated for warble-fly during the current year. <sup>Prohibition
re cattle
entering
municipality.</sup>

(3) Every by-law passed by a municipality under this Act shall be filed by the clerk of the municipality with the Commissioner. <sup>By-law to
be filed.</sup>

Inspectors,—
appoint-
ment of.

3. A municipality that has passed a by-law under this Act may appoint an inspector or inspectors to enforce the provisions of the by-law and every inspector so appointed may enter any premises for the purpose of enforcing the by-law.

Regulations.

4. The Lieutenant-Governor in Council may make regulations prescribing the manner in which cattle may be treated for warble-fly.

Penalties.

5.—(1) Every person who violates any of the provisions of a by-law passed under this Act shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a penalty of not less than \$50 and not exceeding \$200 for a subsequent offence.

Recovery of
penalties.
Rev. Stat.,
c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Short title.

6. This Act may be cited as *The Warble-fly Control Act, 1947*.

An Act respecting the Control of
Warble-fly.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Nurses Act, 1947.

MR. KELLEY

EXPLANATORY NOTE

This is a consolidation of *The Nurses' Registration Act*, R.S.O. 1937, c. 230. In view of the amendments which have already been made to this short Act and the further amendments which are incorporated in this Bill, it has been deemed advisable, for the purpose of convenience, to re-enact the Act.

Although the arrangement of the Act has been altered in the interest of simplification and clarification the only departures in principle from the present Act are those which are necessary to provide for the recognition of certified nursing assistants.

The title is shortened from *The Nurses Registration Act* to *The Nurses Act*, in line with the titles of other Acts relating to professions and callings.

BILL

The Nurses Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “certified nursing assistant” shall mean a person “certified nursing assistant”; who may be designated as a certified nursing assistant under section 5;
- (b) “Director” shall mean Director of Nurses Registration appointed under this Act; “Director”;
- (c) “Minister” shall mean Minister of Health; “Minister”;
- (d) “register” shall mean register of nurses and nursing assistants maintained under this Act and “registered” shall have a corresponding meaning; “register”;
- (e) “registered nurse” shall mean a person who may be designated as a registered nurse under section 5; and “registered nurse”;
- (f) “regulations” shall mean regulations made under this Act. *New.* “regulations”.

2. There shall be a Director of Nurses Registration who shall be appointed by the Lieutenant-Governor in Council and shall exercise such powers and perform such duties as may be conferred or imposed by the regulations or the Minister. *1944, c. 42, s. 1, part, amended.* ^{Nurses Registration,—} _{appointment.}

3. There shall be a register of nurses and nursing assistants which shall be maintained by the Director. *New.* ^{Register.}

4.—(1) Subject to the regulations, a training school for nurses or a training course for nursing assistants may be established, maintained and conducted in any hospital, sanatorium, sanitarium or university. *R.S.O. 1937, c. 230, s. 1, cl. (a), amended.* ^{Training school,—} _{establishment.}

Consent of
Minister.

(2) No person shall establish, maintain or conduct a training school or training course for nurses or nursing assistants, or train or instruct or hold himself out as being able or willing to train or instruct persons to become nurses or nursing assistants, except in accordance with the regulations.

Penalty.

(3) Any person who contravenes the provisions of subsection 2 shall be guilty of an offence and shall incur a penalty of not less than \$50 and not exceeding \$100 for a first offence and a penalty of not less than \$100 and not exceeding \$500 for each subsequent offence. 1938, c. 25, s. 2, *amended*.

Registration
as nurse.

5.—(1) A graduate of a training school for nurses shall, upon payment of the prescribed fee, be entitled to be registered as a nurse and while so registered may be designated as a "registered nurse". R.S.O. 1937, c. 230, s. 1, cl. (b), *amended*.

Registration
as nursing
assistant.

(2) A graduate of a training course for nursing assistants shall, upon payment of the prescribed fee, be entitled to be registered as a nursing assistant and while so registered may be designated as a "certified nursing assistant." *New*.

Use of title
"registered
nurse".

6.—(1) No person other than a registered nurse shall use the title "registered nurse" either alone or in combination with any word or words, or any name, title or description implying that he or she is or was registered as a nurse under this Act. R.S.O. 1937, c. 230, s. 2, *part, amended*.

Use of title
"certified
nursing
assistant".

(2) No person other than a certified nursing assistant who is registered shall use the title "certified nursing assistant" either alone or in combination with any word or words, or any name, title or description implying that he or she is or was registered as a nursing assistant under this Act. *New*.

Penalty.

(3) Any person who contravenes the provisions of subsection 1 or 2 shall be guilty of an offence and shall incur a penalty not exceeding \$100. R.S.O. 1937, c. 230, s. 2, *part, amended*.

Recovery of
penalties.
Rev. Stat.,
c. 136.

7. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*. *New*.

Regulations.

8. The Lieutenant-Governor in Council may make regulations,—

(a) regulating the establishment, maintenance and conduct of training schools for nurses and training courses for nursing assistants;

(b) providing for the holding of examinations for nurses or nursing assistants who are in attendance at or

graduates of training schools or training courses, as the case may be;

- (c) governing the registration of graduates of training schools or training courses located within or without Ontario and prescribing registration fees and providing for the issue, suspension and cancellation of certificates of registration;
- (d) prescribing the powers and duties of the Director of Nurses Registration;
- (e) providing for the inspection of training schools and training courses;
- (f) providing for the establishment of a council to be known as the Council of Nurse Education, and prescribing the powers and duties of the council;
- (g) providing for and regulating the establishment, maintenance and conduct of post-graduate courses of instruction for registered nurses; and
- (h) generally for the better carrying out of the provisions of this Act. 1944, c. 42, s. 1, *part, amended*.

9. This Act may be cited as *The Nurses Act, 1947*.

Short title.

The Nurses Act, 1947.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. KELLEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Nurses Act, 1947.

MR. KELLEY

BILL

The Nurses Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "certified nursing assistant" shall mean a person ^{"certified nursing assistant";} who may be designated as a certified nursing assistant under section 5;
- (b) "Director" shall mean Director of Nurses Registra- ^{"Director";} tion appointed under this Act;
- (c) "Minister" shall mean Minister of Health; ^{"Minister";}
- (d) "register" shall mean register of nurses and nursing ^{"register";} assistants maintained under this Act and "registered" shall have a corresponding meaning;
- (e) "registered nurse" shall mean a person who may be ^{"registered nurse";} designated as a registered nurse under section 5; and
- (f) "regulations" shall mean regulations made under <sup>"regula-
tions";</sup> this Act. *New.*

2. There shall be a Director of Nurses Registration who <sup>Director of
Nurses
Registra-
tion,—</sup> shall be appointed by the Lieutenant-Governor in Council and shall exercise such powers and perform such duties as ^{appointment.} may be conferred or imposed by the regulations or the Minister.
1944, c. 42, s. 1, *part, amended.*

3. There shall be a register of nurses and nursing assistants ^{Register.} which shall be maintained by the Director. *New.*

4.—(1) Subject to the regulations, a training school for <sup>Training
school,—</sup> nurses or a training course for nursing assistants may be ^{establish-} established, maintained and conducted in any hospital, sanatorium, sanitarium or university. R.S.O. 1937, c. 230, s. 1, cl. (a), *amended.*

Consent of
Minister.

(2) No person shall establish, maintain or conduct a training school or training course for nurses or nursing assistants, or train or instruct or hold himself out as being able or willing to train or instruct persons to become nurses or nursing assistants, except in accordance with the regulations.

Penalty.

(3) Any person who contravenes the provisions of subsection 2 shall be guilty of an offence and shall incur a penalty of not less than \$50 and not exceeding \$100 for a first offence and a penalty of not less than \$100 and not exceeding \$500 for each subsequent offence. 1938, c. 25, s. 2, *amended*.

Registration
as nurse.

5.—(1) A graduate of a training school for nurses shall, upon payment of the prescribed fee, be entitled to be registered as a nurse and while so registered may be designated as a "registered nurse". R.S.O. 1937, c. 230, s. 1, cl. (b), *amended*.

Registration
as nursing
assistant.

(2) A graduate of a training course for nursing assistants shall, upon payment of the prescribed fee, be entitled to be registered as a nursing assistant and while so registered may be designated as a "certified nursing assistant." *New*.

Use of title
"registered
nurse".

6.—(1) No person other than a registered nurse shall use the title "registered nurse" either alone or in combination with any word or words, or any name, title or description implying that he or she is or was registered as a nurse under this Act. R.S.O. 1937, c. 230, s. 2, *part, amended*.

Use of title
"certified
nursing
assistant".

(2) No person other than a certified nursing assistant who is registered shall use the title "certified nursing assistant" either alone or in combination with any word or words, or any name, title or description implying that he or she is or was registered as a nursing assistant under this Act. *New*.

Penalty.

(3) Any person who contravenes the provisions of subsection 1 or 2 shall be guilty of an offence and shall incur a penalty not exceeding \$100. R.S.O. 1937, c. 230, s. 2, *part, amended*.

Recovery of
penalties.
Rev. Stat.,
c. 136.

7. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*. *New*.

Regulations.

8. The Lieutenant-Governor in Council may make regulations,—

- (a) regulating the establishment, maintenance and conduct of training schools for nurses and training courses for nursing assistants;
- (b) prescribing the requirements for admission to training schools for nurses and training courses for nursing assistants;

- (c) providing for the holding of examinations for nurses or nursing assistants who are in attendance at or graduates of training schools or training courses, as the case may be;
- (d) governing the registration of graduates of training schools or training courses located within or without Ontario and prescribing registration fees and providing for the issue, suspension and cancellation of certificates of registration;
- (e) prescribing the powers and duties of the Director of Nurses Registration;
- (f) providing for the inspection of training schools and training courses;
- (g) providing for the establishment of a council to be known as the Council of Nurse Education, and prescribing the powers and duties of the council;
- (h) providing for and regulating the establishment, maintenance and conduct of post-graduate courses of instruction for registered nurses; and
- (i) generally for the better carrying out of the provisions of this Act. 1944, c. 42, s. 1, *part, amended*.

9. This Act may be cited as *The Nurses Act, 1947*.

Short title.

The Nurses Act, 1947.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. KELLEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Embalmers and Funeral Directors Act, 1947.

MR. KELLEY

EXPLANATORY NOTES

This Act replaces *The Embalmers and Funeral Directors Act*, R.S.O. 1937, chapter 242. While it has been found desirable in the interests of clarity to re-arrange and redraw the Act, the effect of the proposed Act is substantially the same as the present one with the following exceptions:

1. The Board, which presently consists of three members, would be increased to five members, three of whom are required to be funeral directors. (Section 2)

2. Provision is made for the employment of an assistant secretary to the Board. At present one of the members of the Board acts as secretary-treasurer with no provision in the Act for assistance. (Section 3)

3. The manager of a branch establishment is required to reside within a reasonable distance thereof. (Section 17)

4. The Act is clarified in the matter of certificates of qualification, funeral directors' licences and embalmers' licences. (Sections 9, 11, 14)

5. The section providing for the making of regulations is completely revised with a view to simplification of the present regulations. (Section 20)

BILL

The Embalmers and Funeral Directors Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "approved school" shall mean a school or college ^{"approved school";} approved by the Board;
- (b) "articled student" shall mean a student who is ^{"articled student";} articled to a licensed funeral director or a licensed embalmer in accordance with the regulations;
- (c) "Board" shall mean Board of Examiners appointed ^{"Board";} under this Act;
- (d) "certificate of qualification" shall mean a certificate of ^{"certificate of qualification";} qualification issued under this Act;
- (e) "embalming" shall mean preservation of the dead <sup>"embalm-
ing";</sup> human body, entire or in part, by the use of chemical substances, fluids or gases, ordinarily used, prepared or intended for such purpose, either by the outward application of such chemical substances, fluids or gases on the body, or by the introduction thereof into the body by vascular or hypodermic injection or by direct application into the organs or cavities, and "embalm" shall have a corresponding meaning;
- (f) "funeral director" shall mean a person who operates <sup>"funeral
director";</sup> for himself, or under his own or any other name for another person, partnership, firm or incorporated company, a business for the purpose of furnishing to the public funeral supplies and services;

- "licence", (g) "licence" shall mean licence issued under this Act and shall include a renewal thereof;
- "licensed embalmer"; (h) "licensed embalmer" shall mean a person holding an embalmer's licence under this Act;
- "licensed funeral director"; (i) "licensed funeral director" shall mean a person holding a funeral director's licence under this Act;
- "Minister"; (j) "Minister" shall mean Minister of Health;
- "permit"; (k) "permit" shall mean a permit issued under this Act; and
- "regulations"; (l) "regulations" shall mean regulations made under this Act. R.S.O. 1937, c. 242, s. 1, *amended*.

THE BOARD.

Board of Examiners. 2.—(1) The Board of Examiners shall consist of five persons of whom not less than three shall be licensed funeral directors and such persons shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

Officers. (2) The Lieutenant-Governor in Council may appoint a member of the Board to act as chairman and another member to act as vice-chairman and the members of the Board shall elect one of the members to be the secretary-treasurer.

Quorum. (3) Three members of the Board shall constitute a quorum. R.S.O. 1937, c. 242, s. 2, *amended*.

Assistant secretary. 3. The Board may appoint an assistant secretary who shall be paid such remuneration as the Board may determine out of the funds of the Board. *New*.

Meetings. 4.—(1) The Board shall hold meetings at least three times in every year at such time and place as may be deemed advisable by the majority of the members and may hold additional meetings at the call of the chairman or of any two members.

Notice of meetings. (2) Notice of every meeting, whether general or special, shall be sent by the secretary-treasurer by prepaid registered post to every member of the Board at his address as last entered upon the register, not less than seven days before the day of the holding of the meeting. R.S.O. 1937, c. 242, s. 3 (1, 2).

Waiver of notice. (3) Notwithstanding any of the provisions of this section, where all the members of the Board are present and waive notice and consent to the holding of a meeting, a meeting of

the Board may be held at any time and place. R.S.O. 1937, c. 242, s. 3 (3), *amended*.

5.—(1) Where owing to the urgent nature of any situation requiring the consideration of the Board it is impossible to convene a meeting, the chairman shall act as and for the Board and shall report the circumstances of the case and the action taken thereon at the next meeting. Powers of chairman acting for Board.

(2) The decision of the chairman in such circumstances shall, subject to the provisions of subsection 3 of section 15, be final and binding unless and until reversed or altered by the Board. R.S.O. 1937, c. 242, s. 4. Effect of decision of chairman.

6.—(1) The receipts and expenditures of the Board shall be audited by a chartered accountant, not a member of the Board. R.S.O. 1937, c. 242, s. 13 (1). Audit.

(2) All moneys and securities received or held by the Board shall be held in the name of "Board of Examiners under *The Embalmers and Funeral Directors Act, 1947*" and the moneys may be deposited in a branch of a chartered bank, or a Province of Ontario savings office and shall be withdrawn by the secretary-treasurer on the order of the Board, and securities may be purchased and sold by the secretary-treasurer on the order of the Board. R.S.O. 1937, c. 242, s. 13 (2), *amended*. Moneys and securities.

7. The Board shall make a report to the Minister, on or before the 31st day of January in every year, showing,— Report of Board.

- (a) the names of all licensed embalmers and funeral directors in Ontario, specifying whether "embalmer" or "funeral director", and in the case of a funeral director, the name under which business is carried on;
- (b) the number of new certificates of qualification granted during the preceding year and the persons to whom granted;
- (c) the number of applications for certificates of qualification refused during the preceding year, and the reason for refusal;
- (d) the number of certificates of qualification revoked during the preceding year, and the reason for revocation;
- (e) the amount of fees received during the preceding year;

(f) the revenue and expenditure of the Board during the year in detail, and the assets and liabilities at the end of the year; and

(g) such other matters as may be directed by the Minister.
R.S.O. 1937, c. 242, s. 12 (1), *amended*.

Application
of Rev. Stat.,
c. 135.

8. *The Public Authorities Protection Act* shall apply to the members and officials of the Board. R.S.O. 1937, c. 242, s. 21.

LICENCES, PERMITS, CERTIFICATES OF QUALIFICATION.

Funeral
director's
licence
required.

9.—(1) No person shall act as a funeral director unless he is a licensed funeral director or is the holder of a permit.

Embalmer's
licence or
permit re-
quired.

(2) No person shall embalm a dead human body unless he is a licensed embalmer or is the holder of a permit.

Exceptions.

(3) Subsection 2 shall not apply,—

(a) to an articulated student working under the direct supervision of an embalmer;

(b) to a student of, or a person employed in a recognized school of medicine; or

(c) in a sparsely settled area where an embalmer is not available. R.S.O. 1937, c. 242, ss. 15, 18, *part, amended*.

Shipment of
body out of
Ontario.

10. No person shall ship a dead human body out of Ontario unless it has been embalmed and prepared for shipment by a licensed embalmer. R.S.O. 1937, c. 242, s. 16, *amended*.

Licences,
renewals.

11.—(1) The Board may issue a funeral director's licence or an embalmer's licence to a person who,—

(a) is the holder of a certificate of qualification;

(b) is not less than twenty-one years of age; and

(c) has complied with the requirements of the regulations,

and may issue renewals thereof.

Funeral
director's
licence.

(2) For the purposes of this Act and the regulations, every licensed funeral director shall be deemed to be a licensed embalmer.

Expiration.

(3) Every licence and every renewal thereof shall expire on the 31st day of December next following the date of such licence or renewal. *New*.

12.—(1) For the purpose of serving the public in sparsely ^{Permits.} settled areas of Ontario, the Board may issue a permit to a person who is not the holder of a certificate of qualification.

(2) A permit may be issued upon such terms and subject ^{Conditions; expiration.} to such conditions as the Board may prescribe and every permit shall expire on the 31st day of December next following the date thereof or upon such earlier date as the Board may determine. R.S.O. 1937, c. 242, s. 14, *amended*.

13. Every person who holds a licence or permit shall cause ^{Display of licence; permit.} it to be displayed at all times at his place of business or the place of business where he is employed, and failure to comply with this section shall be *prima facie* evidence that such person is not the holder of a licence or permit. R.S.O. 1937, c. 242, s. 17, *amended*.

14.—(1) The Board may issue a certificate of qualification ^{Certificate of qualification.} to any person,—

(a) who,

(i) has served the period of apprenticeship required by the regulations and completed a course at an approved school, or

(ii) is the holder of a certificate of qualification issued by the Board of Examiners under any public general Act of Ontario relating to embalmers and undertakers or embalmers and funeral directors, or

(iii) satisfies the Board that for a period of not less than five years he held a licence and was engaged as an embalmer in a jurisdiction designated by the regulations;

(b) who satisfies the Board that he is of good moral character;

(c) who passes examinations prescribed by the Board; and

(d) who pays the prescribed fee.

(2) A certificate of qualification issued by the Board of ^{Effect of certain certificates.} Examiners under any public general Act of Ontario relating to embalmers and undertakers or embalmers and funeral directors to a person who at the date of the coming into force of this Act is licensed as an embalmer or funeral director shall have the same force and effect as a certificate of qualification issued under this Act.

Cancellation by failure to use.

(3) Where the holder of a certificate of qualification is not the holder of a licence for a period of five consecutive years, the certificate of qualification shall *ipso facto* be deemed to be revoked. *New.*

Suspension of licence, permit.

15.—(1) The Board may suspend the licence or permit of any person for such period and upon such conditions as it deems proper.

Cancellation of licence, permit.

(2) The Board may revoke the certificate of qualification and cancel the licence of any person, or may cancel the permit of any person where all of the members of the Board find that such person has been guilty of infamous or disgraceful conduct in a professional respect, as defined by the regulations. R.S.O. 1937, c. 242, s. 9, *amended.*

Appeal.

(3) Any person in respect of whom action is taken by the Board under this section may, within seven days of receiving notice in writing of the Board's action, appeal in writing to the Minister who may give such direction to the Board as he deems proper and there shall be no appeal therefrom. R.S.O. 1937, c. 242, s. 10, *amended.*

Re-issue of certificate of qualification.

16. Where the certificate of qualification of any person has been revoked, the Board may issue a certificate of qualification to him where he,—

- (a) satisfies the Board that he is of good moral character, and that he is a fit and proper person to be the holder of a certificate of qualification; and
- (b) pays the prescribed fees. *New.*

MORE THAN ONE PLACE OF BUSINESS.

More than one place of business.

17. Where a funeral director carries on business with the public at more than one place of business,—

- (a) he may act as manager of only one of such places of business and each of the other places of business shall be deemed to be a branch;
- (b) he shall employ a different licensed funeral director as manager of each branch; and
- (c) the manager of each branch shall have his ordinary residence,
 - (i) in the same municipality as the branch, or
 - (ii) within five miles of the branch. R.S.O. 1937, c. 242, s. 11, *amended.*

LIMITATION OF ACTIONS.

18. A licensed embalmer or licensed funeral director shall not be liable to any action for negligence or malpractice in respect of professional services requested or rendered, unless such action is commenced within three months from the date when, in the matter complained of, such professional services terminated. R.S.O. 1937, c. 242, s. 22.

Limitation
of action
for negli-
gence.

SCHOOLS AND COLLEGES.

19. The Board may,—

Schools,
colleges.

- (a) approve any school or college which has for its purpose instruction in embalming and general preparation for and burial of the dead human body; and
- (b) pay out of the funds held by the Board such sums as it may deem proper to assist in the establishment or maintenance of any such school. *New.*

REGULATIONS.

20. Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

- (a) prescribing the equipment, facilities and other requirements for approved schools;
- (b) prescribing the requirements for admission to approved schools;
- (c) prescribing the courses of training and instruction for approved schools;
- (d) providing for a system of apprenticeship under articles of apprenticeship for students of approved schools and prescribing a limitation upon or otherwise regulating the number of articulated students;
- (e) providing for the registration of articulated students with the Board;
- (f) providing for the examination of candidates for certificates of qualification;
- (g) authorizing the Board to alter the requirements of section 14 and the regulations in the case of an applicant for a certificate of qualification who has

had special experience or training either within or outside of Ontario;

- (h) prescribing jurisdictions for the purpose of subclause iii of clause *a* of subsection 1 of section 14;
- (i) providing for special courses of training and instruction for holders of certificates of qualification and requiring holders of certificates of qualification to take all or any of such courses;
- (j) providing for the issue of certificates of qualification and the issue and renewal of licences and permits;
- (k) prescribing fees payable to the Board by articulated students, applicants for certificates of qualification and upon the issue and renewal of licences and permits including special fees payable in special circumstances;
- (l) prescribing minimum standards for the premises, accommodation and equipment of funeral directors and providing for the inspection and approval thereof; *New.*
- (m) governing the embalming materials which may be used in embalming a dead human body; R.S.O. 1937, c. 242, s. 12 (2), *amended.*
- (n) regulating the practice and procedure upon hearings of the Board;
- (o) defining "infamous or disgraceful conduct in a professional respect";
- (p) prescribing the books and records to be kept by the Board;
- (q) prescribing the duties of the secretary-treasurer and the assistant secretary of the Board;
- (r) providing for the employment by the Board of such persons or services as may be required and for the payment of expenses;
- (s) providing for the payment of a *per diem* allowance and an allowance for travelling and living expenses to members of the Board while engaged upon the business of the Board; and
- (t) generally for the better carrying out of the provisions of this Act. *New.*

OFFENCES; PENALTIES.

Offences and penalties.

21.—(1) Every person who,—

- (a) violates any of the provisions of section 9; or
- (b) not being the holder of a licence, holds himself out as an embalmer or uses any sign, letters, words or abbreviation implying that he is an embalmer; or
- (c) not being the holder of a funeral director's licence, holds himself out as a funeral director or uses any sign, letters, words or abbreviation implying that he is a funeral director; or
- (d) violates any of the other provisions of this Act or the regulations,

shall be guilty of an offence and, subject to subsection 2, liable to a penalty not exceeding \$25.

(2) Where an offence prescribed in clause *a*, *b* or *c* of subsection 1 continues beyond one day, the penalty shall be an amount not exceeding \$25 for each day during which the offence continues. Continuing offence; penalty.

(3) The penalties imposed by this section may be recovered under *The Summary Convictions Act*. R.S.O. 1937, c. 242, ss. 18, 19, 20, amended. Recovery of penalty.
Rev. Stat., c. 136.

22. *The Embalmers and Funeral Directors Act* and section 17 of *The Statute Law Amendment Act, 1946*, are repealed. Rev. Stat., c. 242;
1946,
c. 89, s. 17,
repealed.

23. This Act shall come into force on Proclamation. Commence-
ment of Act.

24. This Act may be cited as *The Embalmers and Funeral Directors Act, 1947*. Short title.

The Embalmers and Funeral Directors
Act, 1947.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. KELLEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Embalmers and Funeral Directors Act, 1947.

MR. KELLEY

BILL

The Embalmers and Funeral Directors Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "approved school" shall mean a school or college approved by the Board; "approved school";
- (b) "articled student" shall mean a student who is articled to a licensed funeral director or a licensed embalmer in accordance with the regulations; "articled student";
- (c) "Board" shall mean Board of Examiners appointed under this Act; "Board";
- (d) "certificate of qualification" shall mean a certificate of qualification issued under this Act; "certificate of qualification";
- (e) "embalming" shall mean preservation of the dead human body, entire or in part, by the use of chemical substances, fluids or gases, ordinarily used, prepared or intended for such purpose, either by the outward application of such chemical substances, fluids or gases on the body, or by the introduction thereof into the body by vascular or hypodermic injection or by direct application into the organs or cavities, and "embalm" shall have a corresponding meaning; "embalming";
- (f) "funeral director" shall mean a person who operates for himself, or under his own or any other name for another person, partnership, firm or incorporated company, a business for the purpose of furnishing to the public funeral supplies and services; "funeral director";

- "licence"; (g) "licence" shall mean licence issued under this Act and shall include a renewal thereof;
- "licensed embalmer"; (h) "licensed embalmer" shall mean a person holding an embalmer's licence under this Act;
- "licensed funeral director"; (i) "licensed funeral director" shall mean a person holding a funeral director's licence under this Act;
- "Minister"; (j) "Minister" shall mean Minister of Health;
- "permit"; (k) "permit" shall mean a permit issued under this Act; and
- "regulations"; (l) "regulations" shall mean regulations made under this Act. R.S.O. 1937, c. 242, s. 1, *amended*.

THE BOARD.

Board of Examiners. 2.—(1) The Board of Examiners shall consist of five persons of whom not less than three shall be licensed funeral directors and such persons shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

Officers. (2) The Lieutenant-Governor in Council may appoint a member of the Board to act as chairman and another member to act as vice-chairman and the members of the Board shall elect one of the members to be the secretary-treasurer.

Quorum. (3) Three members of the Board shall constitute a quorum. R.S.O. 1937, c. 242, s. 2, *amended*.

Assistant secretary. 3. The Board may appoint an assistant secretary who shall be paid such remuneration as the Board may determine out of the funds of the Board. *New*.

Meetings. 4.—(1) The Board shall hold meetings at least three times in every year at such time and place as may be deemed advisable by the majority of the members and may hold additional meetings at the call of the chairman or of any two members.

Notice of meetings. (2) Notice of every meeting, whether general or special, shall be sent by the secretary-treasurer by prepaid registered post to every member of the Board at his address as last entered upon the register, not less than seven days before the day of the holding of the meeting. R.S.O. 1937, c. 242, s. 3 (1, 2).

Waiver of notice. (3) Notwithstanding any of the provisions of this section, where all the members of the Board are present and waive notice and consent to the holding of a meeting, a meeting of

the Board may be held at any time and place. R.S.O. 1937, c. 242, s. 3 (3), *amended*.

5.—(1) Where owing to the urgent nature of any situation requiring the consideration of the Board it is impossible to convene a meeting, the chairman shall act as and for the Board and shall report the circumstances of the case and the action taken thereon at the next meeting. Powers of chairman acting for Board.

(2) The decision of the chairman in such circumstances shall, subject to the provisions of subsection 3 of section 15, be final and binding unless and until reversed or altered by the Board. R.S.O. 1937, c. 242, s. 4. Effect of decision of chairman.

6.—(1) The receipts and expenditures of the Board shall be audited by a chartered accountant, not a member of the Board. R.S.O. 1937, c. 242, s. 13 (1). Audit.

(2) All moneys and securities received or held by the Board shall be held in the name of "Board of Examiners under *The Embalmers and Funeral Directors Act, 1947*" and the moneys may be deposited in a branch of a chartered bank, or a Province of Ontario savings office and shall be withdrawn by the secretary-treasurer on the order of the Board, and securities may be purchased and sold by the secretary-treasurer on the order of the Board. R.S.O. 1937, c. 242, s. 13 (2), *amended*. Moneys and securities.

7. The Board shall make a report to the Minister, on or before the 31st day of January in every year, showing,— Report of Board.

- (a) the names of all licensed embalmers and funeral directors in Ontario, specifying whether "embalmer" or "funeral director", and in the case of a funeral director, the name under which business is carried on;
- (b) the number of new certificates of qualification granted during the preceding year and the persons to whom granted;
- (c) the number of applications for certificates of qualification refused during the preceding year, and the reason for refusal;
- (d) the number of certificates of qualification revoked during the preceding year, and the reason for revocation;
- (e) the amount of fees received during the preceding year;

(f) the revenue and expenditure of the Board during the year in detail, and the assets and liabilities at the end of the year; and

(g) such other matters as may be directed by the Minister.
R.S.O. 1937, c. 242, s. 12 (1), *amended*.

Application
of Rev. Stat.,
c. 135.

8. *The Public Authorities Protection Act* shall apply to the members and officials of the Board. R.S.O. 1937, c. 242, s. 21.

LICENCES, PERMITS, CERTIFICATES OF QUALIFICATION.

Funeral
director's
licence
required.

9.—(1) No person shall act as a funeral director unless he is a licensed funeral director or is the holder of a permit.

Embalmer's
licence or
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(2) No person shall embalm a dead human body unless he is a licensed embalmer or is the holder of a permit.

Exceptions.

(3) Subsection 2 shall not apply,—

(a) to an articulated student working under the direct supervision of an embalmer;

(b) to a student of, or a person employed in a recognized school of medicine; or

(c) in a sparsely settled area where an embalmer is not available. R.S.O. 1937, c. 242, ss. 15, 18, *part, amended*.

Shipment of
body out of
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10. No person shall ship a dead human body out of Ontario unless it has been embalmed and prepared for shipment by a licensed embalmer. R.S.O. 1937, c. 242, s. 16, *amended*.

Licences,
renewals.

11.—(1) The Board may issue a funeral director's licence or an embalmer's licence to a person who,—

(a) is the holder of a certificate of qualification;

(b) is not less than twenty-one years of age; and

(c) has complied with the requirements of the regulations,
and may issue renewals thereof.

Funeral
director's
licence.

(2) For the purposes of this Act and the regulations, every licensed funeral director shall be deemed to be a licensed embalmer.

Expiration.

(3) Every licence and every renewal thereof shall expire on the 31st day of December next following the date of such licence or renewal. *New*.

12.—(1) For the purpose of serving the public in sparsely settled areas of Ontario, the Board may issue a permit to a person who is not the holder of a certificate of qualification. ^{Permits.}

(2) A permit may be issued upon such terms and subject to such conditions as the Board may prescribe and every permit shall expire on the 31st day of December next following the date thereof or upon such earlier date as the Board may determine. R.S.O. 1937, c. 242, s. 14, *amended*. ^{Conditions; expiration.}

13. Every person who holds a licence or permit shall cause it to be displayed at all times at his place of business or the place of business where he is employed, and failure to comply with this section shall be *prima facie* evidence that such person is not the holder of a licence or permit. R.S.O. 1937, c. 242, s. 17, *amended*. ^{Display of licence; permit.}

14.—(1) The Board may issue a certificate of qualification to any person,— ^{Certificate of qualification.}

(a) who,

(i) has served the period of apprenticeship required by the regulations and completed a course at an approved school, or

(ii) is the holder of a certificate of qualification issued by the Board of Examiners under any public general Act of Ontario relating to embalmers and undertakers or embalmers and funeral directors, or

(iii) satisfies the Board that for a period of not less than five years he held a licence and was engaged as an embalmer in a jurisdiction designated by the regulations;

(b) who satisfies the Board that he is of good moral character;

(c) who passes examinations prescribed by the Board; and

(d) who pays the prescribed fee.

(2) A certificate of qualification issued by the Board of Examiners under any public general Act of Ontario relating to embalmers and undertakers or embalmers and funeral directors to a person who at the date of the coming into force of this Act is licensed as an embalmer or funeral director shall have the same force and effect as a certificate of qualification issued under this Act. ^{Effect of certain certificates.}

Cancellation by failure to use.

(3) Where the holder of a certificate of qualification is not the holder of a licence for a period of five consecutive years, the certificate of qualification shall *ipso facto* be deemed to be revoked. *New.*

Suspension of licence, permit.

15.—(1) The Board may suspend the licence or permit of any person for such period and upon such conditions as it deems proper.

Cancellation of licence, permit.

(2) The Board may revoke the certificate of qualification and cancel the licence of any person, or may cancel the permit of any person where all of the members of the Board find that such person has been guilty of infamous or disgraceful conduct in a professional respect, as defined by the regulations. R.S.O. 1937, c. 242, s. 9, *amended.*

Appeal.

(3) Any person in respect of whom action is taken by the Board under this section may, within seven days of receiving notice in writing of the Board's action, appeal in writing to the Minister who may give such direction to the Board as he deems proper and there shall be no appeal therefrom. R.S.O. 1937, c. 242, s. 10, *amended.*

Re-issue of certificate of qualification.

16. Where the certificate of qualification of any person has been revoked, the Board may issue a certificate of qualification to him where he,—

- (a) satisfies the Board that he is of good moral character, and that he is a fit and proper person to be the holder of a certificate of qualification; and
- (b) pays the prescribed fees. *New.*

MORE THAN ONE PLACE OF BUSINESS.

More than one place of business.

17. Where a funeral director carries on business with the public at more than one place of business,—

- (a) he may act as manager of only one of such places of business and each of the other places of business shall be deemed to be a branch;
- (b) he shall employ a different licensed funeral director as manager of each branch; and
- (c) the manager of each branch shall have his ordinary residence,
 - (i) in the same municipality as the branch, or
 - (ii) within five miles of the branch. R.S.O. 1937, c. 242, s. 11, *amended.*

LIMITATION OF ACTIONS.

18. A licensed embalmer or licensed funeral director shall not be liable to any action for negligence or malpractice in respect of professional services requested or rendered, unless such action is commenced within three months from the date when, in the matter complained of, such professional services terminated. R.S.O. 1937, c. 242, s. 22.

Limitation
of action
for negli-
gence.

SCHOOLS AND COLLEGES.

19. The Board may,—

Schools,
colleges.

- (a) approve any school or college which has for its purpose instruction in embalming and general preparation for and burial of the dead human body; and
- (b) pay out of the funds held by the Board such sums as it may deem proper to assist in the establishment or maintenance of any such school. *New.*

REGULATIONS.

20. Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

Regulations.

- (a) prescribing the equipment, facilities and other requirements for approved schools;
- (b) prescribing the requirements for admission to approved schools;
- (c) prescribing the courses of training and instruction for approved schools;
- (d) providing for a system of apprenticeship under articles of apprenticeship for students of approved schools and prescribing a limitation upon or otherwise regulating the number of articulated students;
- (e) providing for the registration of articulated students with the Board;
- (f) providing for the examination of candidates for certificates of qualification;
- (g) authorizing the Board to alter the requirements of section 14 and the regulations in the case of an applicant for a certificate of qualification who has

had special experience or training either within or outside of Ontario;

- (h) prescribing jurisdictions for the purpose of subclause iii of clause *a* of subsection 1 of section 14;
- (i) providing for special courses of training and instruction for holders of certificates of qualification and requiring holders of certificates of qualification to take all or any of such courses;
- (j) providing for the issue of certificates of qualification and the issue and renewal of licences and permits;
- (k) prescribing fees payable to the Board by articulated students, applicants for certificates of qualification and upon the issue and renewal of licences and permits including special fees payable in special circumstances;
- (l) prescribing minimum standards for the premises, accommodation and equipment of funeral directors and providing for the inspection and approval thereof; *New.*
- (m) governing the embalming materials which may be used in embalming a dead human body; R.S.O. 1937, c. 242, s. 12 (2), *amended.*
- (n) regulating the practice and procedure upon hearings of the Board;
- (o) defining "infamous or disgraceful conduct in a professional respect";
- (p) prescribing the books and records to be kept by the Board;
- (q) prescribing the duties of the secretary-treasurer and the assistant secretary of the Board;
- (r) providing for the employment by the Board of such persons or services as may be required and for the payment of expenses;
- (s) providing for the payment of a *per diem* allowance and an allowance for travelling and living expenses to members of the Board while engaged upon the business of the Board; and
- (t) generally for the better carrying out of the provisions of this Act. *New.*

OFFENCES; PENALTIES.

Offences and penalties.

21.—(1) Every person who,—

- (a) violates any of the provisions of section 9; or
- (b) not being the holder of a licence, holds himself out as an embalmer or uses any sign, letters, words or abbreviation implying that he is an embalmer; or
- (c) not being the holder of a funeral director's licence, holds himself out as a funeral director or uses any sign, letters, words or abbreviation implying that he is a funeral director; or
- (d) violates any of the other provisions of this Act or the regulations,

shall be guilty of an offence and, subject to subsection 2, liable to a penalty not exceeding \$25.

(2) Where an offence prescribed in clause *a*, *b* or *c* of subsection 1 continues beyond one day, the penalty shall be an amount not exceeding \$25 for each day during which the offence continues. Continuing offence; penalty.

(3) The penalties imposed by this section may be recovered under *The Summary Convictions Act*. R.S.O. 1937, c. 242, ss. 18, 19, 20, amended. Recovery of penalty.
Rev. Stat., c. 136.

22. *The Embalmers and Funeral Directors Act* and section 17 of *The Statute Law Amendment Act, 1946*, are repealed. Rev. Stat., c. 242;
1946,
c. 89, s. 17,
repealed.

23. This Act shall come into force on Proclamation. Commencement of Act.

24. This Act may be cited as *The Embalmers and Funeral Directors Act, 1947*. Short title.

The Embalmers and Funeral Directors
Act, 1947.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. KELLEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Charitable Institutions Act.

MR. GOODFELLOW

EXPLANATORY NOTES

SECTION 1—Subsection 1. The clause repealed defines the term "Inspector". This term is not now used in the Act and under proposed departmental practice inspecting will be done by supervisors appointed under *The Department of Public Welfare Act, 1947*.

Subsection 2. Self-explanatory.

SECTION 2. The section repealed provides for the designation of inspectors and is no longer necessary in view of the practice of appointing supervisors under *The Department of Public Welfare Act, 1947*.

SECTION 3. The amendment effected by this section brings section 8 of the Act into line with the governing principles of *The Charitable Institutions Act*.

BILL

An Act to amend The Charitable Institutions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Charitable Institutions Act* is repealed. Rev. Stat.,
c. 381,
s. 1, cl. *c*,
repealed.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: Rev. Stat.,
c. 381,
s. 1, cl. *d*,
re-enacted.

(*d*) "Minister" shall mean the Minister of Public Welfare. "Minister".

2. Section 6 of *The Charitable Institutions Act* is repealed. Rev. Stat.,
c. 381, s. 6,
repealed.

3. Section 8 of *The Charitable Institutions Act* is amended by striking out the words "receiving provincial aid" in the second line, so that the said section shall now read as follows: Rev. Stat.,
c. 381, s. 8,
amended.

8. No by-law, rule or regulation of any charitable institution shall have force or effect until the same is approved by the Lieutenant-Governor in Council. Approval
of by-laws,
etc.

4. This Act may be cited as *The Charitable Institutions Amendment Act, 1947*. Short title.

An Act to amend The Charitable
Institutions Act.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. GOODFELLOW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Charitable Institutions Act.

MR. GOODFELLOW

BILL

An Act to amend The Charitable Institutions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Charitable Institutions Act* is repealed. Rev. Stat.,
c. 381,
s. 1, cl. *c*,
repealed.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: Rev. Stat.,
c. 381,
s. 1, cl. *d*,
re-enacted.

(*d*) "Minister" shall mean the Minister of Public Welfare. "Minister".

2. Section 6 of *The Charitable Institutions Act* is repealed. Rev. Stat.,
c. 381, s. 6,
repealed.

3. Section 8 of *The Charitable Institutions Act* is amended by striking out the words "receiving provincial aid" in the second line, so that the said section shall now read as follows: Rev. Stat.,
c. 381, s. 8,
amended.

8. No by-law, rule or regulation of any charitable institution shall have force or effect until the same is approved by the Lieutenant-Governor in Council. Approval
of by-laws,
etc.

4. This Act may be cited as *The Charitable Institutions Amendment Act, 1947*. Short title.

An Act to amend The Charitable
Institutions Act.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. GOODFELLOW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Day Nurseries Act, 1946.

MR. GOODFELLOW

EXPLANATORY NOTE

Terms used in *The Day Nurseries Act, 1946*, are defined.

BILL

An Act to amend The Day Nurseries Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Day Nurseries Act, 1946*, is amended by renumbering ^{1946, c. 17,} the present section 1 as section 1*a* and by adding thereto the ^{amended.} following section:

1. In this Act,—

Interpreta-
tion,—

- (a) "day nursery" shall mean any institution, agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children under six years of age and not of common parentage, but shall not include a nursery school or kindergarten conducted as part of a public or separate school under *The Public Schools Act* or *The Separate Schools Act*; and ^{Rev. Stat., cc. 357, 362.}

- (b) "Minister" shall mean the Minister of Public Welfare. "Minister".

2. This Act may be cited as *The Day Nurseries Amendment Act, 1947*. ^{Short title.}

An Act to amend The Day Nurseries
Act, 1946.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. GOODFELLOW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Day Nurseries Act, 1946.

MR. GOODFELLOW

BILL

An Act to amend The Day Nurseries Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Day Nurseries Act, 1946*, is amended by renumbering ^{1946, c. 17,} the present section 1 as section 1a and by adding thereto the ^{amended.} following section:

1. In this Act,—

Interpreta-
tion,—

- (a) “day nursery” shall mean any institution, “day nursery”; agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children under six years of age and not of common parentage, but shall not include a nursery school or kindergarten conducted as part of a public or separate school under *The Public Schools Act* ^{Rev. Stat.,} or *The Separate Schools Act*; ^{cc. 357, 362.} and
- (b) “Minister” shall mean the Minister of Public “Minister”. Welfare.

2. This Act may be cited as *The Day Nurseries Amendment Act, 1947*. Short title.

An Act to amend The Day Nurseries
Act, 1946.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. GOODFELLOW

No. 44

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Children's Protection Act.

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Section 6 presently refers to "officers of a children's aid society". The amendment removes doubt as to the persons who are intended to be covered by the section.

SECTION 2. The words eliminated prescribe a seventy-five cent per diem minimum in territory without municipal organization.

BILL

An Act to amend The Children's Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Children's Protection Act* is repealed and the following substituted therefor: Rev. Stat., c. 312, s. 6, re-enacted.
6. The local superintendent and any member of the staff of a children's aid society who has been designated by the Board, may act as a probation officer for the purpose of enforcing the provisions of this Act and of *The Training Schools Act, 1939*. Probation officers. 1939, c. 51.
2. Subsection 1 of section 10 of *The Children's Protection Act* is amended by striking out all the words after the word "compensation" in the ninth and tenth lines, so that the said subsection shall now read as follows: Rev. Stat., c. 312, s. 10, subs. 1, amended.
- (1) In any direction for the temporary custody and care of a child pending the hearing or determination of the case, the judge may order, and when committing a child to the custody or control of a children's aid society the judge shall order the payment by the corporation of the municipality to which the child belongs of a reasonable sum, not less than seventy-five cents a day, for the maintenance of the child by the society in a temporary home, an institution, a foster home or elsewhere where children are not cared for without compensation. Order for maintenance by municipality.
3. This Act may be cited as *The Children's Protection Amendment Act, 1947*. Short title.

An Act to amend The Children's
Protection Act.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. GODFELLOW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Children's Protection Act.

MR. GOODFELLOW

No. 44

1947

BILL

An Act to amend The Children's Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Children's Protection Act* is repealed and the following substituted therefor: Rev. Stat., c. 312, s. 6, re-enacted.

6. The local superintendent and any member of the staff of a children's aid society who has been designated by the Board, may act as a probation officer for the purpose of enforcing the provisions of this Act and of *The Training Schools Act, 1939*. Probation officers. 1939, c. 51.

2. Subsection 1 of section 10 of *The Children's Protection Act* is amended by striking out all the words after the word "compensation" in the ninth and tenth lines, so that the said subsection shall now read as follows: Rev. Stat., c. 312, s. 10, subs. 1, amended.

(1) In any direction for the temporary custody and care of a child pending the hearing or determination of the case, the judge may order, and when committing a child to the custody or control of a children's aid society the judge shall order the payment by the corporation of the municipality to which the child belongs of a reasonable sum, not less than seventy-five cents a day, for the maintenance of the child by the society in a temporary home, an institution, a foster home or elsewhere where children are not cared for without compensation. Order for maintenance by municipality.

3. This Act may be cited as *The Children's Protection Amendment Act, 1947*. Short title.

Bill
An Act to amend The Children's
Protection Act.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. GOODFELLOW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Bread Sales Act.

MR. DALEY

EXPLANATORY NOTE

This Bill is self-explanatory.

BILL

An Act to amend The Bread Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Bread Sales Act* is amended by striking out the words "twenty-four ounces" in the third line and inserting in lieu thereof the words "sixteen, twenty-four", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 305, s. 4,
subs. 1,
amended.

- (1) Except as provided in subsection 2, no person shall make bread for sale or sell or offer for sale bread except in loaves weighing sixteen, twenty-four or forty-eight ounces avoirdupois.

Weight of
bread.

2. This Act may be cited as *The Bread Sales Amendment Act, 1947*.

Short title.

An Act to amend The Bread Sales Act.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. DALEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Bread Sales Act.

MR. DALEY

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 45

1947

BILL

An Act to amend The Bread Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Bread Sales Act* is ^{Rev. Stat., c. 305, s. 4,} amended by striking out the words "twenty-four ounces" in ^{subs. 1,} the third line and inserting in lieu thereof the words "sixteen, ^{amended,} twenty-four", so that the said subsection shall now read as follows:

- (1) Except as provided in subsection 2, no person shall ^{Weight of bread.} make bread for sale or sell or offer for sale bread except in loaves weighing sixteen, twenty-four or forty-eight ounces avoirdupois.

2. This Act may be cited as *The Bread Sales Amendment* ^{Short title.} Act, 1947.

BILL

An Act to amend The Bread Sales Act.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. DALEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

EXPLANATORY NOTES

SECTION 1—Subsection 1. The effect of the new clause *ee* is to include in the terms earnings and wages as used in the Act any consideration such as board and lodging which is furnished to the employee, but which is not ordinarily regarded as coming within the meaning of the terms earnings and wages.

The effect of clause *oo* is to move the definition of silicosis from the body of the Act to the interpretation section.

Clause *ooo* is complementary to section 7 of the Bill.

Subsection 2. Under the present law the only industrial diseases are those mentioned in schedule 3 of the Act. The effect of the amendment to the definition of industrial disease is to provide compensation for any other disease which is peculiar to or characteristic of any particular occupation.

SECTION 2—Subsection 1. The effect of the re-enactment of subsection 1 of section 35 of the Act is to increase compensation in the following respects,—

From \$45 to \$50 a month where the dependants are a widow and an invalid husband.

From \$45 to \$50 to the widow or an invalid husband where the dependants are a widow or an invalid husband and one or more children, and an increase of from \$10 to \$12 a month for each child, and in case of the death of the widow an increase of from \$15 to \$20 a month for each child.

From \$15 to \$20 a month where the dependants are children only.

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1944*, is further amended by adding thereto the following clauses:

(ee) "Earnings" and "wages" shall include any remuneration capable of being estimated in terms of money;

.

(oo) "Silicosis" shall mean a fibrotic condition of the lungs sufficient to produce a lessened capacity for work, caused by the inhalation of silica dust;

(ooo) "Superannuation Fund" shall mean The Workmen's Compensation Board Superannuation Fund.

(2) Clause *h* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(*h*) "Industrial disease" shall mean,—

(i) any of the diseases mentioned in Schedule 3, and

(ii) any other disease peculiar to or characteristic of a particular industrial process, trade or occupation.

2.—(1) Subsection 1 of section 35 of *The Workmen's Compensation Act*, as amended by section 1 of *The Workmen's Compensation Amendment Act, 1942*, section 6 of *The Workmen's Compensation Act, 1943*, and section 4 of *The Work-*

men's Compensation Amendment Act, 1944, is repealed and the following substituted therefor:

Compensation
in case
of death.

(1) Where death results from an injury the amount of the compensation shall be,—

- (a) the necessary expenses of the burial of the workman not exceeding \$125;
- (b) where owing to the circumstances of the case the body of the workman is transferred for a considerable distance for burial, a further sum not exceeding \$125 for necessary extra expenses of the burial thus entailed;
- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$50;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$50, with an additional monthly payment of \$12 to be increased upon the death of the widow or invalid husband to \$20 for each child under the age of sixteen years;
- (e) where the dependants are children, a monthly payment of \$20 to each child under the age of sixteen years;
- (f) where the dependants are persons other than those mentioned in clauses *a* to *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board.

Further
education.

(1a) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years.

Rev. Stat.,
c. 204, s. 35,
subs. 9,
cls. *a*, *b*
(1943,
c. 37, s. 6,
subs. 5),
re-enacted.

(2) Clauses *a* and *b* of subsection 9 of the said section 35, as re-enacted by subsection 5 of section 6 of *The Workmen's Compensation Act, 1943*, are repealed and the following substituted therefor:

Subsection 2. The effect of the amendment is to increase compensation in the following respects,—

The minimum monthly payment to which a widow is entitled is increased from \$45 to \$50 a month, or where the workman's earnings are less than \$50, then to the full amount of his earnings.

The minimum compensation for a widow and invalid husband and one child is increased from \$55 to \$62 a month, and for each additional child an increase of from \$10 to \$12 a month, and in certain cases an increase in the total compensation payable of from \$55 to \$62 a month.

SECTION 3. The effect of the re-enactment of section 42 of the Act is to increase compensation in the following manner,—

The minimum compensation of \$12.50 a week for temporary total disability, temporary partial disability or permanent partial disability is increased from \$12.50 to \$15 a week.

Where the workman suffers permanent total disability a minimum payment of \$100 a month, or if the average earnings are less than \$100 a month then the full amount of such earnings is provided.

SECTION 4. The Board is authorized to estimate a workman's earnings on which the compensation will be based where the wages are only nominal.

- (a) where the widow or an invalid husband is the sole dependant, a monthly payment of \$50, or if the workman's average earnings are less than \$50 per month, the amount of such earnings; and
- (b) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$62 for the widow or invalid husband and one child irrespective of the amount of the workman's earnings, with a further monthly payment of \$12 for each additional child unless the total monthly compensation exceeds the workman's average earnings in which case the compensation shall be a sum equal to such earnings or \$62 whichever is the greater, the share for each child entitled to compensation being reduced proportionately.

3. Section 42 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 204, s. 42,
re-enacted.

42. Notwithstanding anything to the contrary contained in Part I, the amount of compensation to which an injured workman shall be entitled shall not be less than,— Minimum
amount of
compensation.

(a) for temporary total disability,

(i) where his average earnings are not less than \$15 a week, \$15 a week, and

(ii) where his average earnings are less than \$15 a week, the amount of such earnings,

and for temporary partial or permanent partial disability a corresponding amount in proportion to the impairment of earning capacity; and

(b) for permanent total disability where the workman is unable to engage in any gainful occupation,

(i) where his average earnings are not less than \$100 a month, \$100, and

(ii) where his average earnings are less than \$100 a month, the amount of such earnings.

4. Section 43 of *The Workmen's Compensation Act*, as amended by section 4 of *The Workmen's Compensation Act*, Rev. Stat.,
c. 204, s. 43,
amended.

1943, is further amended by adding thereto the following subsection:

Average earnings of apprentice.

- (7) Where a workman is an apprentice or in the course of learning a trade, occupation, profession or calling and his remuneration is of a nominal nature, the Board may for the purposes of this Act determine his average earnings at an amount which it deems fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling, and the employer of the workman shall be liable to pay assessment to the Board on the earnings so determined.

Rev. Stat., c. 204, s. 50, subss. 1, 2, 3, 5, 6, 7, re-enacted.

5. Subsections 1, 2, 3, 5, 6 and 7 of section 50 of *The Workmen's Compensation Act*, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1939*, section 5 of *The Workmen's Compensation Amendment Act, 1944*, and subsections 1 and 3 of section 3 of *The Workmen's Compensation Amendment Act, 1946*, are repealed and the following substituted therefor:

Medical and surgical aid during disability.

- (1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services, and in the discretion of the Board where a workman is rendered helpless through permanent total disability, such other treatment, services or attendance as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.

Rev. Stat., c. 229.

"Medical aid",— meaning of.

- (2) In this Act "medical aid" shall mean the medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services, and where a workman is rendered helpless through permanent total disability, such other treatment, services or attendance and the artificial member or members and apparatus and repair above mentioned.

Replacement or repair of artificial members and apparatus.

- (3) The Board may pay and where the employer is individually liable the Board may order the employer to pay for the replacement or repair of artificial members or apparatus damaged as a result of an

SECTION 5. The effects of the re-enactment of a portion of section 50 of the Act are,—

The Board is authorized to replace or repair artificial members or apparatus damaged in an accident.

The Board is authorized to pay for medical aid, notwithstanding the date of the accident, but payment is limited to such medical aid as is given after January 1st, 1947. At present a workman injured before July 1st, 1917, is not entitled to medical aid.

SECTIONS 6 and 7. A superannuation scheme for the employees and members of the Board was established following the enactment of authority in 1940. The scheme is now established and it is desirable to reduce the general statutory authority to a more specific provision and regularize the various details.

accident arising out of and in the course of the employment.

- (4) Medical aid shall be furnished or arranged for by the Board or as it may direct or approve and,— Payment for medical aid.

(a) in the industries in Schedule 1, shall be paid out of the accident fund and the necessary amount shall be included in the assessments levied upon the employers; and

(b) in the industries in Schedule 2, the amount shall be paid by the employer of the injured workman to the Board for payment.

- (5) A workman shall be entitled to such medical aid as may be necessary on or after the 1st day of January, 1947, for an accident happening on or after the 1st day of January, 1915. Accidents on or after Jan. 1st, 1915.

- (6) All questions as to the necessity, character and sufficiency of any medical aid furnished or to be furnished shall be determined by the Board. Questions to be determined by Board.

- (7) The fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the workman if himself paying the bill, and the amount thereof shall be fixed and determined by the Board, and no action for any amount larger than that fixed by the Board shall lie in respect of any medical aid herein provided for. Amount of charges.

- (8) It shall not be lawful for any employer, directly or indirectly, to collect or receive or retain from any workman any contribution toward the expense of medical aid, and every person contravening this provision shall be guilty of an offence and for every such contravention shall be liable to a penalty not exceeding \$50 and shall also be liable, upon the order of the Board, to reimburse the workman treble the amount of any sum so collected, received or retained. Contributions from employees forbidden. Penalty.

6. Subsection 3 of section 67 of *The Workmen's Compensation Act*, as amended by section 2 of *The Workmen's Compensation Amendment Act, 1945*, is repealed. Rev. Stat., c. 204, s. 67, subs. 3, repealed.

7.—(1) *The Workmen's Compensation Act* is amended by adding thereto the following section: Rev. Stat., c. 204, amended.

67a.—(1) There shall be a fund known as The Workmen's Compensation Board Superannuation Fund for the Superannuation Fund.

payment of superannuation allowances or allowances upon the death or disability of an employee or member of the Board.

Regulations.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

(a) providing for contributions to the Superannuation Fund by the Board and by its members and employees;

(b) providing for the terms and conditions upon which any superannuation or other allowance shall be payable out of the Superannuation Fund and the persons to whom the superannuation or other allowance may be paid.

Cost of administering Fund.

(3) The cost of maintaining and administering the Superannuation Fund shall be deemed part of the cost of the administration of the Act and shall be chargeable to the accident fund.

Moneys held by board of trustees.

(2) The board of trustees established by certain regulations of the Board passed on the 29th day of May, 1940, and approved by the Lieutenant-Governor in Council on the 11th day of June, 1940, shall pay into The Workmen's Compensation Board Superannuation Fund all moneys, securities and assets which they hold as trustees under the said regulations.

Agreement, deed of trust rescinded.

(3) The memorandum of agreement and deed of trust made between The Workmen's Compensation Board and the said board of trustees and dated the 26th day of June, 1940, is rescinded.

Commencement and effect.

(4) Section 6 and this section, together with the regulations first made under section 67a of *The Workmen's Compensation Act* as enacted by this Act, shall be deemed to have had effect on and after the 1st day of July, 1940.

Rev. Stat., c. 204, s. 90, subs. 1, amended.

8. Subsection 1 of section 90 of *The Workmen's Compensation Act* is amended by striking out all the words after the word "require" in the tenth line and inserting in lieu thereof the words "both certified to be accurate by the employer or manager of the business or where the employer is a corporation, by an officer of the corporation having a personal knowledge of the matters to which the statements relate", so that the said subsection shall now read as follows:

Statements to be furnished by employers.

(1) Subject to the regulations every employer shall yearly on or before such date as shall be prescribed by the

SECTION 8. Under the present Act the pay roll statement which the employer is required to file has to be verified by statutory declaration. This requirement is done away with and the practice now followed by the Board is confirmed.

Board, and at such other time or times as it may by order or regulation of the Board be required, prepare and transmit to the Board a statement of the amount of the wages earned by all his employees during the year then last past or any part thereof specified by the Board and of the amount which he estimates he will expend for wages during the then current year or any part thereof specified by the Board, and such additional information as the Board may require, both certified to be accurate by the employer or manager of the business or where the employer is a corporation, by an officer of the corporation having a personal knowledge of the matters to which the statements relate.

9. Subsection 9 of section 115 of *The Workmen's Compensation Act*, as re-enacted by subsection 3 of section 4 of *The Workmen's Compensation Amendment Act, 1942*, is repealed. Rev. Stat., c. 204, s. 115, subs. 9 (1942, c. 41, s. 4, subs. 3), repealed.

10. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

11. This Act may be cited as *The Workmen's Compensation Amendment Act, 1947*. Short title.

Bill
An Act to amend The Workmen's
Compensation Act.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. DALEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1944*, is further amended by adding thereto the following clauses:

(ee) "Earnings" and "wages" shall include any remuneration capable of being estimated in terms of money;

.

(oo) "Silicosis" shall mean a fibrotic condition of the lungs sufficient to produce a lessened capacity for work, caused by the inhalation of silica dust;

(ooo) "Superannuation Fund" shall mean The Workmen's Compensation Board Superannuation Fund.

(2) Clause *h* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(*h*) "Industrial disease" shall mean,—

(i) any of the diseases mentioned in Schedule 3, and

(ii) any other disease peculiar to or characteristic of a particular industrial process, trade or occupation.

2.—(1) Subsection 1 of section 35 of *The Workmen's Compensation Act*, as amended by section 1 of *The Workmen's Compensation Amendment Act, 1942*, section 6 of *The Workmen's Compensation Act, 1943*, and section 4 of *The Work-*

men's Compensation Amendment Act, 1944, is repealed and the following substituted therefor:

Compensation in case of death.

(1) Where death results from an injury the amount of the compensation shall be,—

- (a) the necessary expenses of the burial of the workman not exceeding \$125;
- (b) where owing to the circumstances of the case the body of the workman is transferred for a considerable distance for burial, a further sum not exceeding \$125 for necessary extra expenses of the burial thus entailed;
- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$50;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$50, with an additional monthly payment of \$12 to be increased upon the death of the widow or invalid husband to \$20 for each child under the age of sixteen years;
- (e) where the dependants are children, a monthly payment of \$20 to each child under the age of sixteen years;
- (f) where the dependants are persons other than those mentioned in clauses *a* to *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board.

Further education.

(1a) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years.

Rev. Stat.,
c. 204, s. 35,
subs. 9,
cls. *a*, *b*
(1943,
c. 37, s. 6,
subs. 5),
re-enacted.

(2) Clauses *a* and *b* of subsection 9 of the said section 35, as re-enacted by subsection 5 of section 6 of *The Workmen's Compensation Act, 1943*, are repealed and the following substituted therefor:

- (a) where the widow or an invalid husband is the sole dependant, a monthly payment of \$50, or if the workman's average earnings are less than \$50 per month, the amount of such earnings; and
- (b) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$62 for the widow or invalid husband and one child irrespective of the amount of the workman's earnings, with a further monthly payment of \$12 for each additional child unless the total monthly compensation exceeds the workman's average earnings in which case the compensation shall be a sum equal to such earnings or \$62 whichever is the greater, the share for each child entitled to compensation being reduced proportionately.

3. Section 42 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 204, s. 42,
re-enacted.

42. Notwithstanding anything to the contrary contained in Part I, the amount of compensation to which an injured workman shall be entitled shall not be less than,— Minimum
amount of
compensation.

(a) for temporary total disability,

- (i) where his average earnings are not less than \$15 a week, \$15 a week, and
- (ii) where his average earnings are less than \$15 a week, the amount of such earnings,

and for temporary partial or permanent partial disability a corresponding amount in proportion to the impairment of earning capacity; and

(b) for permanent total disability where the workman is unable to engage in any gainful occupation,

- (i) where his average earnings are not less than \$100 a month, \$100, and
- (ii) where his average earnings are less than \$100 a month, the amount of such earnings.

4. Section 43 of *The Workmen's Compensation Act*, as amended by section 4 of *The Workmen's Compensation Act*, Rev. Stat.,
c. 204, s. 43,
amended.

1943, is further amended by adding thereto the following subsection:

Average
earnings of
apprentice.

- (7) Where a workman is an apprentice or in the course of learning a trade, occupation, profession or calling and his remuneration is of a nominal nature, the Board may for the purposes of this Act determine his average earnings at an amount which it deems fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling, and the employer of the workman shall be liable to pay assessment to the Board on the earnings so determined.

Rev. Stat.,
c. 204, s. 50,
subss. 1, 2, 3,
5, 6, 7, re-
enacted.

5. Subsections 1, 2, 3, 5, 6 and 7 of section 50 of *The Workmen's Compensation Act*, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1939*, section 5 of *The Workmen's Compensation Amendment Act, 1944*, and subsections 1 and 3 of section 3 of *The Workmen's Compensation Amendment Act, 1946*, are repealed and the following substituted therefor:

Medical and
surgical aid
during
disability.

- (1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services, and in the discretion of the Board where a workman is rendered helpless through permanent total disability, such other treatment, services or attendance as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.

Rev. Stat.,
c. 229.

"Medical
aid",
meaning of.

- (2) In this Act "medical aid" shall mean the medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services, and where a workman is rendered helpless through permanent total disability, such other treatment, services or attendance and the artificial member or members and apparatus and repair above mentioned.

Replacement
or repair
of artificial
members and
apparatus.

- (3) The Board may pay and where the employer is individually liable the Board may order the employer to pay for the replacement or repair of artificial members or apparatus damaged as a result of an

accident arising out of and in the course of the employment.

- (4) Medical aid shall be furnished or arranged for by the Board or as it may direct or approve and,— Payment for medical aid.

(a) in the industries in Schedule 1, shall be paid out of the accident fund and the necessary amount shall be included in the assessments levied upon the employers; and

(b) in the industries in Schedule 2, the amount shall be paid by the employer of the injured workman to the Board for payment.

- (5) A workman shall be entitled to such medical aid as may be necessary on or after the 1st day of January, 1947, for an accident happening on or after the 1st day of January, 1915. Accidents on or after Jan. 1st, 1915.

- (6) All questions as to the necessity, character and sufficiency of any medical aid furnished or to be furnished shall be determined by the Board. Questions to be determined by Board.

- (7) The fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the workman if himself paying the bill, and the amount thereof shall be fixed and determined by the Board, and no action for any amount larger than that fixed by the Board shall lie in respect of any medical aid herein provided for. Amount of charges.

- (8) It shall not be lawful for any employer, directly or indirectly, to collect or receive or retain from any workman any contribution toward the expense of medical aid, and every person contravening this provision shall be guilty of an offence and for every such contravention shall be liable to a penalty not exceeding \$50 and shall also be liable, upon the order of the Board, to reimburse the workman treble the amount of any sum so collected, received or retained. Contributions from employees forbidden. Penalty.

6. Subsection 3 of section 67 of *The Workmen's Compensation Act*, as amended by section 2 of *The Workmen's Compensation Amendment Act, 1945*, is repealed. Rev. Stat., c. 204, s. 67, subs. 3, repealed.

7.—(1) *The Workmen's Compensation Act* is amended by adding thereto the following section: Rev. Stat., c. 204, amended.

67a.—(1) There shall be a fund known as The Workmen's Compensation Board Superannuation Fund for the Superannuation Fund.

payment of superannuation allowances or allowances upon the death or disability of an employee or member of the Board.

Regulations.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

(a) providing for contributions to the Superannuation Fund by the Board and by its members and employees;

(b) providing for the terms and conditions upon which any superannuation or other allowance shall be payable out of the Superannuation Fund and the persons to whom the superannuation or other allowance may be paid.

Cost of administering Fund.

(3) The cost of maintaining and administering the Superannuation Fund shall be deemed part of the cost of the administration of the Act and shall be chargeable to the accident fund.

Moneys held by board of trustees.

(2) The board of trustees established by certain regulations of the Board passed on the 29th day of May, 1940, and approved by the Lieutenant-Governor in Council on the 11th day of June, 1940, shall pay into The Workmen's Compensation Board Superannuation Fund all moneys, securities and assets which they hold as trustees under the said regulations.

Agreement, deed of trust rescinded.

(3) The memorandum of agreement and deed of trust made between The Workmen's Compensation Board and the said board of trustees and dated the 26th day of June, 1940, is rescinded.

Commencement and effect.

(4) Section 6 and this section, together with the regulations first made under section 67a of *The Workmen's Compensation Act* as enacted by this Act, shall be deemed to have had effect on and after the 1st day of July, 1940.

Rev. Stat., c. 204, s. 90, subs. 1, amended.

8. Subsection 1 of section 90 of *The Workmen's Compensation Act* is amended by striking out all the words after the word "require" in the tenth line and inserting in lieu thereof the words "both certified to be accurate by the employer or manager of the business or where the employer is a corporation, by an officer of the corporation having a personal knowledge of the matters to which the statements relate", so that the said subsection shall now read as follows:

Statements to be furnished by employers.

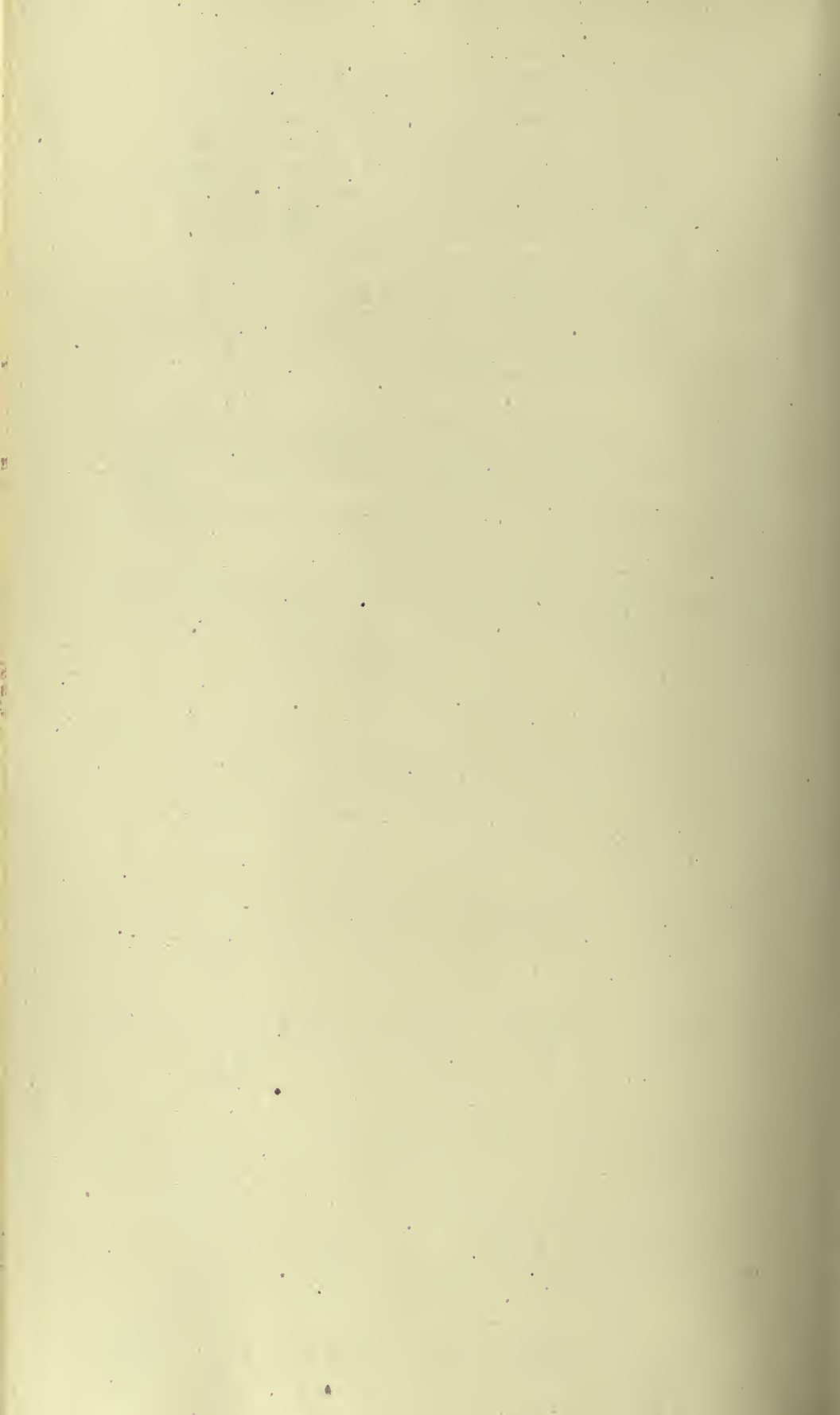
(1) Subject to the regulations every employer shall yearly on or before such date as shall be prescribed by the

Board, and at such other time or times as it may by order or regulation of the Board be required, prepare and transmit to the Board a statement of the amount of the wages earned by all his employees during the year then last past or any part thereof specified by the Board and of the amount which he estimates he will expend for wages during the then current year or any part thereof specified by the Board, and such additional information as the Board may require, both certified to be accurate by the employer or manager of the business or where the employer is a corporation, by an officer of the corporation having a personal knowledge of the matters to which the statements relate.

9. Subsection 9 of section 115 of *The Workmen's Compensation Act*, as re-enacted by subsection 3 of section 4 of *The Workmen's Compensation Amendment Act, 1942*, is repealed. Rev. Stat., c. 204, s. 115, subs. 9 (1942, c. 41, s. 4, subs. 3), repealed.

10. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

11. This Act may be cited as *The Workmen's Compensation Amendment Act, 1947*. Short title.



An Act to amend The Workmen's
Compensation Act.

1st Reading

March 6th, 1947

2nd Reading

March 12th, 1947

3rd Reading

March 21st, 1947

MR. DALEY

No. 47

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Industrial Standards Act.

MR. DALEY

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The approval of the Lieutenant-Governor in Council is required in order to bring a schedule into effect. The amendment requires similar approval of an amendment to a schedule.

SECTION 2. This amendment is self-explanatory.

SECTION 3. The present subsection 2 refers to women and girls only. The new subsection is broadened to cover both male and female workers and made subject to the provisions of *The Hours of Work and Vacations with Pay Act, 1944*.

BILL

An Act to amend The Industrial Standards Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 5 of *The Industrial Standards Act*, as amended by subsection 1 of section 23 of *The Statute Law Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 191, s. 5,
cl. *c*, re-
enacted.

- (*c*) with the concurrence of the proper advisory committee and subject to approval of the Lieutenant-Governor in Council, make an order amending the provisions of any schedule.

2. Section 7 of *The Industrial Standards Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 191, s. 7,
amended.

- (2) The Minister may revise any schedule of wages and hours and days of labour submitted to him by a conference so that it may meet the requirements of *The Regulations Act, 1944*, and the regulations made thereunder.

Minister
may revise
schedule of
wages, etc.
1944, c. 52.

3. Subsection 2 of section 17 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 191, s. 17,
subs. 2, re-
enacted.

- (2) The wage rates prescribed by any schedule shall not be for lesser amounts nor shall the number of hours of labour in each day or the number of days of labour in each week be greater than is provided in *The Hours of Work and Vacations with Pay Act, 1944*, *The Minimum Wage Act* or *The Factory, Shop and Office Building Act* and the regulations thereunder.

Rates of
wages.

1944, c. 26;
Rev. Stat.,
cc. 190, 194.

4. This Act may be cited as *The Industrial Standards Amendment Act, 1947*.

Short title.

An Act to amend 'The Industrial
Standards Act.

1st Reading

March 6th, 1947

2nd Reading

3rd Reading

MR. DALEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Industrial Standards Act.

MR. DALEY

No. 47

1947

BILL

An Act to amend The Industrial Standards Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 5 of *The Industrial Standards Act*, as amended by subsection 1 of section 23 of *The Statute Law Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 191, s. 5,
cl. c, re-
enacted.

- (c) with the concurrence of the proper advisory committee and subject to approval of the Lieutenant-Governor in Council, make an order amending the provisions of any schedule.

2. Section 7 of *The Industrial Standards Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 191, s. 7,
amended.

- (2) The Minister may revise any schedule of wages and hours and days of labour submitted to him by a conference so that it may meet the requirements of *The Regulations Act, 1944*, and the regulations made thereunder.

Minister
may revise
schedule of
wages, etc.

1944, c. 52.

3. Subsection 2 of section 17 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 191, s. 17,
subs. 2, re-
enacted.

- (2) The wage rates prescribed by any schedule shall not be for lesser amounts nor shall the number of hours of labour in each day or the number of days of labour in each week be greater than is provided in *The Hours of Work and Vacations with Pay Act, 1944*, *The Minimum Wage Act* or *The Factory, Shop and Office Building Act* and the regulations thereunder.

Rates of
wages.

1944, c. 26;
Rev. Stat.,
cc. 190, 194.

4. This Act may be cited as *The Industrial Standards Amendment Act, 1947*.

Short title.

BILL

An Act to amend The Industrial
Standards Act.

1st Reading

March 6th, 1947

2nd Reading

March 10th, 1947

3rd Reading

March 17th, 1947

MR. DALEY

No. 48

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Stallion Act.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The title of the Director of the Live Stock Branch has been changed to the Live Stock Commissioner. The proposed Bill amends *The Stallion Act* to conform with the change in title.

BILL

An Act to amend The Stallion Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Stallion Act* is ^{Rev. Stat., c. 339, s. 1, subs. 1, amended.} amended by striking out the words "Director of the Live Stock Branch" in the third line and inserting in lieu thereof the words "Live Stock Commissioner", so that the said subsection shall now read as follows:

(1) The Lieutenant-Governor in Council upon the ^{Stallion Enrolment Board.} recommendation of the Minister of Agriculture may appoint four persons who, with the Live Stock Commissioner of the Department of Agriculture, shall constitute the Stallion Enrolment Board, hereinafter called "the Board".

(2) Subsection 2 of the said section 1 is amended by striking ^{Rev. Stat., c. 339, s. 1, subs. 2, amended.} out the words "Director of the Live Stock Branch" in the first line and inserting in lieu thereof the words "Live Stock Commissioner", so that the said subsection shall now read as follows:

(2) The Live Stock Commissioner of the Department ^{Secretary and executive officer.} of Agriculture shall be the secretary and executive officer of the Board.

2. This Act may be cited as *The Stallion Amendment Act*, ^{Short title.} 1947.

1st Reading

March 7th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Stallion Act.

MR. KENNEDY

BILL

An Act to amend The Stallion Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Stallion Act* is amended by striking out the words "Director of the Live Stock Branch" in the third line and inserting in lieu thereof the words "Live Stock Commissioner", so that the said subsection shall now read as follows: Rev. Stat., c. 339, s. 1, subs. 1, amended.

(1) The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may Stallion Enrolment Board. appoint four persons who, with the Live Stock Commissioner of the Department of Agriculture, shall constitute the Stallion Enrolment Board, hereinafter called "the Board".

(2) Subsection 2 of the said section 1 is amended by striking out the words "Director of the Live Stock Branch" in the first line and inserting in lieu thereof the words "Live Stock Commissioner", so that the said subsection shall now read as follows: Rev. Stat., c. 339, s. 1, subs. 2, amended.

(2) The Live Stock Commissioner of the Department of Agriculture shall be the secretary and executive Secretary and executive officer. officer of the Board.

2. This Act may be cited as *The Stallion Amendment Act*, Short title. 1947.

An Act to amend The Stallion Act.

1st Reading

March 7th, 1947

2nd Reading

March 12th, 1947

3rd Reading

March 17th, 1947

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

an Act respecting the Artificial Insemination of Domestic Animals.

MR. KENNEDY

EXPLANATORY NOTE

The purpose of the Bill is to regulate and control artificial insemination centres. Regulations may be made under the Bill to provide for the licensing of artificial insemination centres and to license technicians. Regulations may also be made for the keeping of records and the furnishing of information. Grants may be authorized under the regulation section of the Bill.

The Bill also provides for the establishing of an Artificial Insemination Advisory Board.

BILL

An Act respecting the Artificial Insemination of Domestic Animals.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “artificial insemination” shall mean the depositing of semen in the vagina of a female domestic animal by a means other than the natural method; “artificial insemination”;
- (b) “artificial insemination centre” shall mean an establishment where semen is collected for purposes of artificial insemination; “artificial insemination centre”;
- (c) “Board” shall mean The Artificial Insemination Advisory Board; “Board”;
- (d) “Commissioner” shall mean Live Stock Commissioner; “Commissioner”;
- (e) “licence” shall mean a licence under this Act; “licence”;
- (f) “Minister” shall mean Minister of Agriculture; and “Minister”;
- (g) “technician” shall mean a person who engages in the process of artificial insemination or the collection of semen for purposes of artificial insemination. “technician”.

2. The Commissioner shall be responsible to the Minister for the administration and enforcement of this Act. Commissioner to be in charge.

3.—(1) There shall be a board to be known as The Artificial Insemination Advisory Board which shall act in an advisory capacity to the Minister and the Commissioner. Advisory Board.

(2) The Board shall consist of one or more persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. Constitution of Board.

Chairman.

(3) The Lieutenant-Governor in Council may appoint one of the members of the Board to act as chairman.

Allowances
to members.

(4) The members of the Board shall receive such allowances and expenses as the Lieutenant-Governor in Council may determine.

Regula-
tions.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—

- (a) prescribing the powers and duties of the Board;
- (b) providing for the issue of licences for the operation of artificial insemination centres and to technicians and for the renewal, refusal, suspension and revocation thereof;
- (c) prescribing the form of licences and the fees payable therefor;
- (d) prescribing requirements and minimum standards for artificial insemination centres;
- (e) prescribing the qualifications of technicians;
- (f) providing for grants for artificial insemination centres;
- (g) providing for the keeping of records and the making of returns or the furnishing of information by artificial insemination centres and technicians;
- (h) exempting any person from the provisions of the Act or regulations or any portion thereof; and
- (i) generally for the better carrying out of the provisions of this Act.

Penalties.

5.—(1) Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a penalty of not less than \$50 and not exceeding \$200 for a subsequent offence.

Recovery
of penalties.
Rev. Stat.,
c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Short title.

6. This Act may be cited as *The Artificial Insemination Act, 1947*.

An Act respecting the Artificial Insemination of Domestic Animals.

1st Reading

March 7th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act respecting the Artificial Insemination of Domestic Animals.

MR. KENNEDY

BILL

An Act respecting the Artificial Insemination of Domestic Animals.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "artificial insemination" shall mean the depositing of semen in the vagina of a female domestic animal by a means other than the natural method; "artificial insemination";
- (b) "artificial insemination centre" shall mean an establishment where semen is collected for purposes of artificial insemination; "artificial insemination centre";
- (c) "Board" shall mean The Artificial Insemination Advisory Board; "Board";
- (d) "Commissioner" shall mean Live Stock Commissioner; "Commissioner";
- (e) "licence" shall mean a licence under this Act; "licence";
- (f) "Minister" shall mean Minister of Agriculture; and "Minister";
- (g) "technician" shall mean a person who engages in the process of artificial insemination or the collection of semen for purposes of artificial insemination. "technician".

2. The Commissioner shall be responsible to the Minister for the administration and enforcement of this Act. Commissioner to be in charge.

3.—(1) There shall be a board to be known as The Artificial Insemination Advisory Board which shall act in an advisory capacity to the Minister and the Commissioner. Advisory Board.

(2) The Board shall consist of one or more persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. Constitution of Board.

Chairman. (3) The Lieutenant-Governor in Council may appoint one of the members of the Board to act as chairman.

Allowances to members. (4) The members of the Board shall receive such allowances and expenses as the Lieutenant-Governor in Council may determine.

Regulations. 4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—

- (a) prescribing the powers and duties of the Board;
- (b) providing for the issue of licences for the operation of artificial insemination centres and to technicians and for the renewal, refusal, suspension and revocation thereof;
- (c) prescribing the form of licences and the fees payable therefor;
- (d) prescribing requirements and minimum standards for artificial insemination centres;
- (e) prescribing the qualifications of technicians;
- (f) providing for grants for artificial insemination centres;
- (g) providing for the keeping of records and the making of returns or the furnishing of information by artificial insemination centres and technicians;
- (h) exempting any person from the provisions of the Act or regulations or any portion thereof; and
- (i) generally for the better carrying out of the provisions of this Act.

Penalties. 5.—(1) Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a penalty of not less than \$50 and not exceeding \$200 for a subsequent offence.

Recovery of penalties. Rev. Stat., c. 136. (2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Short title. 6. This Act may be cited as *The Artificial Insemination Act, 1947*.

An Act respecting the Artificial Insemination of Domestic Animals.

1st Reading

March 7th, 1947

2nd Reading

March 12th, 1947

3rd Reading

March 17th, 1947

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

n Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. SALSBERG

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hours of Work and Vacations with Pay* ^{1944, c. 26, s. 1,} ~~Act, 1944,~~ is amended by adding thereto the following clause: ^{amended.}

(f) "wage rates" or "wage rate" shall mean the basis of ^{"wage rates" or} the calculation of the wages paid to an employee ^{"wage rate".} whether such basis of calculation is with reference to the period of time worked or on a piece work basis or as a commission on volume or value of results or on any incentive or other basis or any combination thereof.

2. Section 2 of *The Hours of Work and Vacations with Pay* ^{1944, c. 26, s. 2,} ~~Act, 1944,~~ is repealed and the following substituted therefor: ^{re-enacted.}

2.—(1) Subject to the provisions of this Act, the working ^{Limitations of hours of} hours of an employee in any industrial undertaking ^{work.} shall not exceed eight in any one day and forty in any one week and every employer shall establish such working hours in his industrial undertaking.

(2) Every employer establishing a working week of ^{Same take home pay.} forty hours, who prior to the coming into force of this Act had in effect in his industrial undertaking a regular working week in excess of forty hours, shall, upon the establishment of a working week of forty hours, pay such wage rates as will give each employee at least the equivalent weekly earnings for a working week of forty hours as he received previously for a working week in excess of forty hours.

(3) Any work performed by an employee in excess of ^{Overtime payment.} eight hours in any one day shall be paid for by his employer at the overtime rate of not less than time and one-half the regular rate paid such employee.

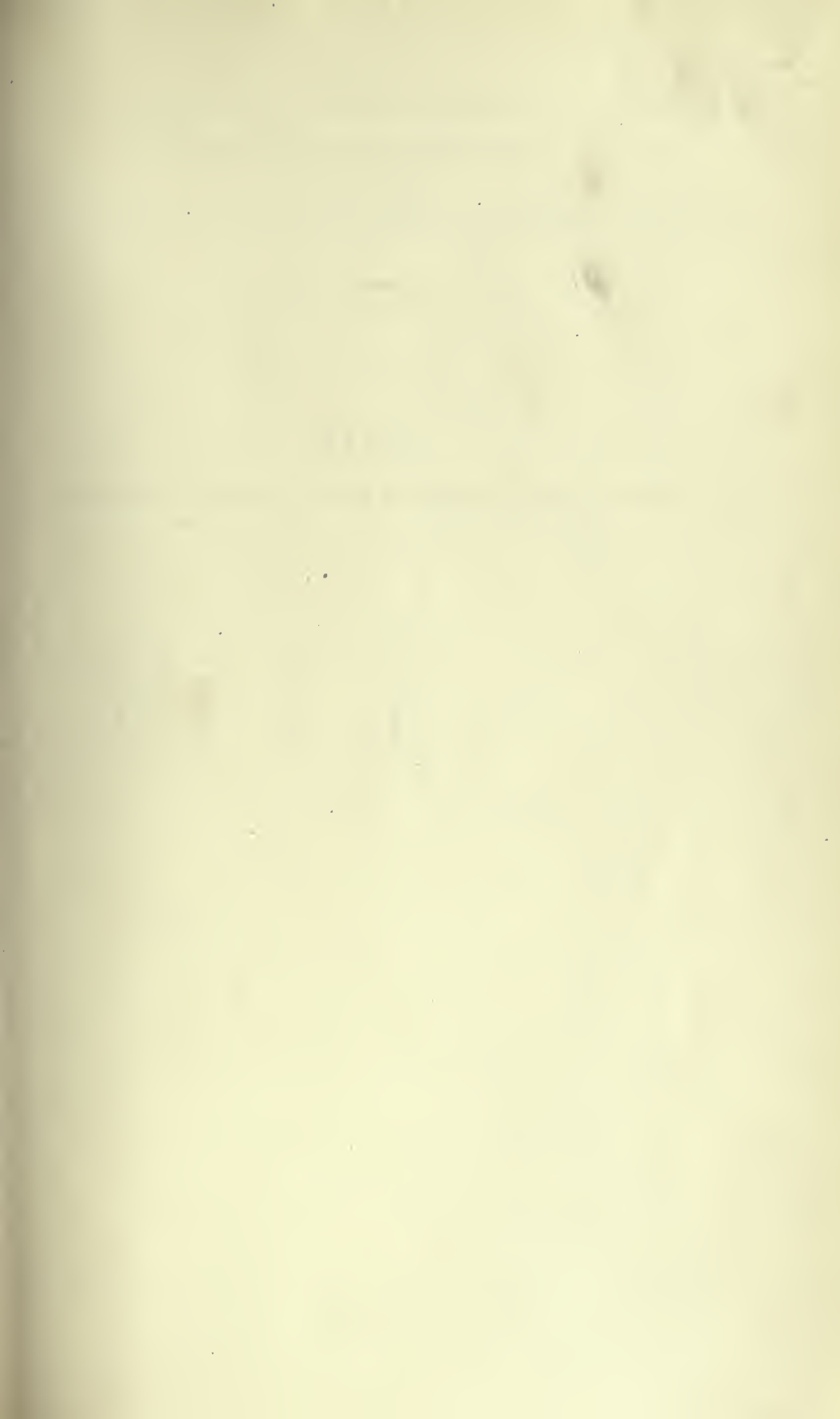
1944,
c. 26, s. 10,
amended.

3. Section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, as amended by section 1 of *The Hours of Work and Vacations with Pay Amendment Act, 1946*, is further amended by adding thereto the following clause:

- (g) prescribing the compensation which shall be payable by employers to their employees for the purpose of insuring that there is no reduction in earnings because of the limitation of hours of work as provided by this Act

Short title.

4. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1947*.



An Act to amend The Hours of Work and
Vacations with Pay Act.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. SALSBERG

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The]Hours of Work and Vacations with Pay Act, 1944.

MR. CARLIN

EXPLANATORY NOTES

SECTION 1. Maximum weekly hours of work are reduced to forty, and vacations with pay are increased to two weeks.

SECTION 2. A new section is added which

- (1) limits overtime to eight hours in a week and one hundred in a year;
- (2) requires payment at the rate of time and one-half for overtime;
- (3) provides that any reduction in hours of work effected by the Act shall not reduce the weekly pay;

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act, 1944*, is amended by striking out the word “forty-eight” in the third line and inserting in lieu thereof the word “forty”;
1944, c. 26, s. 2, subs. 1, amended.

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor:
1944, c. 26, s. 2, subs. 2, re-enacted.

(2) Subject to the provisions of this Act, every employee in an industrial undertaking shall be given a vacation with pay of at least two weeks after every working year of his employment. Vacations.

2. *The Hours of Work and Vacations with Pay Act, 1944*, is amended by adding thereto the following section:
1944, c. 26, amended.

2a.—(1) No overtime shall be worked by an employee which shall exceed eight hours in any one week or one hundred hours in any year of employment.
Limitation of overtime work.

(2) If any overtime is worked by any employee in excess of the working hours established by subsection 1 of section 2, such employee shall receive compensation at a rate not less than one and one-half times the regular rate at which he is employed.
Overtime payment.

(3) Upon the coming into force of this Act, every employer shall increase the rate of compensation of his employees so that the total weekly rate of each employee for the reduced working week shall be not less than the total weekly rate paid at the time of such reduction.
Same take-home pay.

More
favourable
conditions.

- (4) Nothing in this Act shall affect any provision of any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those prescribed by this Act.

Less
favourable
conditions.

- (5) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act, shall be suspended by this Act.

1944, c. 26,
ss. 5, 12,
repealed.

3. Sections 5 and 12 of *The Hours of Work and Vacations with Pay Act, 1944*, are repealed.

1944, c. 26,
s. 10, cl. b,
re-enacted.

4. Clause *b* of section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, is repealed and the following substituted therefor:

- (b) exempting from the provisions or any provision of this Act upon such terms and conditions as the Board may determine any of the employers or employees of any particular plant, upon application of the said employers or of any representative of employees for collective bargaining purposes after notice to the employer or representatives of the employees affected by such proposed exemption.

Short title.

5. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1947*.

(4) protects contracts more favourable to the employee than the provisions of the Act;

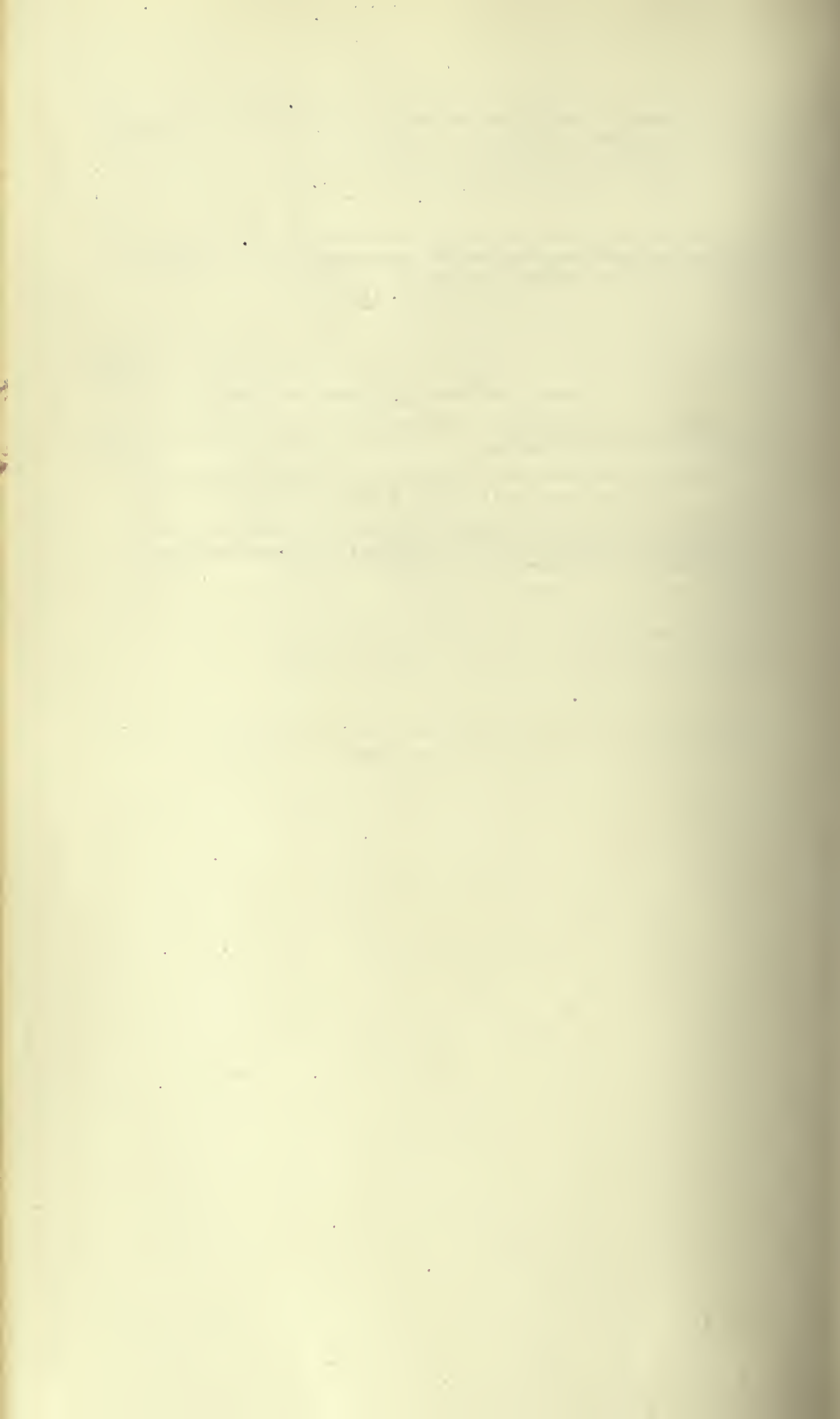
(5) suspends contractual provisions less favourable to the employee than the provisions of the Act.

SECTION 3. Section 5 and Section 12 of the Act are repealed.

Section 5 makes special provision for war industries, and is now deemed to be obsolete.

Section 12 deals with conflict between the Act and other Acts. The question is more fully dealt with in the new Section 2*a*.

SECTION 4. Clause *b* of section 10 is re-enacted to provide that when any exemption is applied for both the employer and representatives of the employees must be notified.



An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. CARLIN

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Minimum Wage Act.

MR. MACLEOD

EXPLANATORY NOTE

This Bill is self-explanatory.

BILL

An Act to amend The Minimum Wage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Minimum Wage Act* is amended by adding thereto the following section: Rev. Stat.,
c. 190,
amended.

4. Notwithstanding any other provision of this or any other Act of this Legislature or any order or regulation made hereunder or thereunder, it shall be unlawful for any employer to pay any of his employees, with the exception of an apprentice as defined by *The Apprenticeship Act*, less than sixty-five cents per hour. Minimum
rate of
pay.

Rev. Stat.,
c. 192.

2. This Act may be cited as *The Minimum Wage Amendment Act, 1947*. Short title.

An Act to amend The Minimum Wage Act.

1st Reading

March 10th, 1947

*2nd Reading**3rd Reading*

MR. MACLEOD

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Labour Relations Board Act, 1944.

MR. CARLIN

EXPLANATORY NOTES

SECTION 1. The interpretation section is re-enacted in accordance with the new terms introduced into the Act. (Section 1.)

The provision for application of Dominion regulations is repealed, and replaced by a statement of the right to organize and bargain collectively. (Section 2.)

Section 3 of the Act, which is no longer necessary, is repealed.

BILL

An Act to amend The Labour Relations Board Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1, section 2 as amended by *The Labour Relations Board Amendment Act, 1946*, and section 3 of *The Labour Relations Board Act, 1944*, are repealed and the following substituted therefor: 1944, c. 29, ss. 1, 2, re-enacted, s. 3, repealed.

1. In this Act,—

Interpre-
tation,—

- (a) "bargaining collectively" means negotiating in good faith with a view to the conclusion of a collective bargaining agreement, the embodiment in writing of the terms of agreement arrived at in negotiations or required to be inserted in a collective bargaining agreement of this Act, the execution by or on behalf of the parties of such written agreement and the negotiations from time to time for the settlement of disputes and grievances of employees covered by the agreement; "bargaining collectively"
- (b) "Board" shall mean Ontario Labour Relations Board; "Board";
- (c) "collective bargaining agreement" means an agreement in writing between an employer and a trade union setting forth the terms and conditions of employment or containing provisions in regard to rates of pay, hours of work or other working conditions; "collective bargaining agreement";
- (d) "company dominated organization" means any labour organization, the formation or administration of which any employer or employer's agent has dominated or interfered with or to which any employer or employer's agent has contributed "company dominated organization";

financial or other support, except as permitted by this Act;

"employee";

- (e) "employee" means any person in the employment of an employer, except any person having authority to employ or discharge employees or regularly acting on behalf of management in a confidential capacity, and includes any person on strike or locked out in a current labour dispute who has not secured permanent employment elsewhere;

"employer";

- (f) "employer" means,

(i) an employer who employs three or more employees, or

(ii) an employer who employs less than three employees, if at least one of the said employees is a member of a trade union which includes among its membership employees of more than one employer,

and includes an employer whose relations with his employees are not withdrawn, so far as the matters dealt with in this Act are concerned, from the legislative jurisdiction of the legislature of Ontario by any valid law or regulation passed by or under the authority of the Parliament of Canada;

"employer's agent";

- (g) "employer's agent" means,

(i) a person or association acting on behalf of an employer,

(ii) an officer, official, foreman or other representative or employee of an employer acting in any way on behalf of an employer in respect to the hiring or discharging or any of the terms or conditions of employment of the employees of such employer;

"labour organization";

- (h) "labour organization" means an organization of employees, not necessarily employees of one employer, which has bargaining collectively among its purposes;

"Minister";

- (i) "Minister" means the Minister of Labour; and

"trade union".

- (j) "trade union" means a labour organization which is not a company dominated organization.

SECTION 2. Subsection 2 of section 4 of the Act is re-enacted, to give the Board the powers that are required under the Act as amended.

SECTION 3. Self-explanatory.

2. Employees shall have the right to organize in and to form, join or assist trade unions and to bargain collectively through representatives of their own choosing, and the representatives designated or selected for the purpose of bargaining collectively by the majority of employees in a unit appropriate for such purpose shall be exclusive representatives of all employees in such unit for the purpose of bargaining collectively. Rights of employees.

2. Subsection 2 of section 4 of *The Labour Relations Board Act, 1944*, as amended by section 2 of *The Labour Relations Board Amendment Act, 1946*, is repealed and the following substituted therefor: 1944, c. 29,
s. 4, subs. 2,
re-enacted.

- (2) The Board shall have power to make orders,— Powers of Board.
- (a) determining whether the appropriate unit of employees for the purpose of bargaining collectively shall be an employer unit, craft unit, plant unit or a subdivision thereof or some other unit;
 - (b) determining what trade union, if any, represents a majority of employees in an appropriate unit of employees;
 - (c) requiring an employer to bargain collectively;
 - (d) requiring any person to refrain from violations of this Act or from engaging in any unfair labour practice;
 - (e) requiring an employer to reinstate any employee discharged contrary to the provisions of this Act and to pay such employee the monetary loss suffered by reason of such discharge;
 - (f) requiring an employer to disestablish a company dominated organization; and
 - (g) rescinding or amending any order or decision of the board.

3. Subsection 7 of section 5 of *The Labour Relations Board Act, 1944*, is amended by striking out all the words after the word "procedure" in the third line, so that the said subsection shall now read as follows: 1944, c. 29,
s. 5, subs. 7,
amended.

- (7) Subject to the approval of the Lieutenant-Governor in Council, the Board may make rules or regulations governing its procedure. Procedure.

1944, c. 29,
s. 8,
re-enacted.

4. Section 8 of *The Labour Relations Board Act, 1944*, as amended by section 4 of *The Labour Relations Board Amendment Act, 1946*, is repealed and the following substituted therefor:

Power to
order vote.

8.—(1) When the choice of a trade union as representative of the majority of employees for the purpose of bargaining collectively is in question, the Board,—

- (a) may direct a vote to be taken by secret ballot of all employees eligible to vote to determine such question; and
- (b) shall direct such a vote upon the application of any trade union which 25 per cent or more of the employees in any appropriate unit have, within six months preceding the application, indicated as their choice as representative for the purpose of bargaining collectively either by membership in such trade union or by written authority.

(2) In any such vote a majority of the employees eligible to vote shall constitute a quorum and if a majority of those eligible to vote actually vote, the majority of those voting shall determine the trade union which represents the majority of employees for the purpose of bargaining collectively.

Unfair
labour
practice of
employer.

8a.—(1) It shall be an unfair labour practice for any employer or employer's agent,—

- (a) to interfere with, restrain or coerce any employee in the exercise of any right conferred by this Act;
- (b) to discriminate or interfere with the formation or administration of any labour organization or contribute financial or other support to it; provided that an employer shall not be prohibited from permitting the bargaining committee or officers of a trade union representing his employees in any unit to confer with him for the purpose of bargaining collectively or attending to the business of a trade union without deductions from wages for loss of time so occupied or from agreeing with any trade union for the use of notice boards and of the employer's premises for the purposes of such trade union;
- (c) to fail or refuse to bargain collectively with representatives elected or appointed, not necessarily being the employees of the employer, by a trade

SECTION 4. A number of new sections are added to the Act to provide:

- (1) that a vote must be taken on request of 25 per cent of the employees, and that if a majority of the employees vote, the majority of those voting shall determine the collective bargaining agency. (New section 8.)
- (2) a precise definition of "unfair labour practices". (New section 8*a*.)
- (3) penalties for unfair labour practices. (New section 8*b*.)
- (4) that the Lieutenant-Governor in Council may appoint a controller to operate the plant of any employer who wilfully disregards or disobeys an order of the Board. (New section 8*c*.)
- (5) for conciliation machinery. (New sections 8*d* and 8*e*.)
- (6) for provision of arbitration machinery in any collective bargaining agreement. (New section 8*f*.)
- (7) for the check-off of union dues upon request of the employee. (New section 8*g*.)
- (8) that collective bargaining agreements shall remain in force for at least a year, with one month's notice of termination required thereafter. (New section 8*h*.)
- (9) for a modified union shop. (New section 8*i*.)

union representing the majority of the employees in an appropriate unit;

- (d) to refuse to permit any duly authorized representative of a trade union with which he has entered into a collective bargaining agreement to negotiate with him during working hours for the settlement of disputes and grievances of employees covered by the agreement, or to make any deductions from the wages of any such duly authorized representative of a trade union in respect of the time actually spent in negotiating for the settlement of such disputes and grievances;
- (e) to discriminate in regard to hiring or tenure of employment or any term or condition of employment or to use coercion or intimidation of any kind with a view to encouraging or discouraging membership in or activity in or for a labour organization or participation of any kind in a proceeding under this Act; provided that nothing in this Act shall preclude any employer from making an agreement with a trade union to require as a condition of employment membership in or maintenance of membership in such trade union or the selection of employees by or with the advice of a trade union or any other condition in regard to employment, if such trade union has been designated or selected by a majority of employees in any such unit as their representative for the purpose of bargaining collectively;
- (f) to require as a condition of employment that any person shall abstain from joining or assisting or being active in any trade union or from exercising any right provided by this Act, except as permitted by this Act;
- (g) to interfere in the selection of a trade union as a representative of employees for the purpose of bargaining collectively;
- (h) to maintain a system of industrial espionage or to employ or direct any person to spy upon a member or proceedings of a labour organization or the offices thereof or the exercise by any employee of any right provided by this Act;
- (i) to threaten to shut down or move a plant or any part of a plant in the course of a labour dispute; or

- (j) to declare or cause a lock-out or to make or threaten any change in wages, hours, conditions of employment, benefits or privileges while any application is pending before a board of conciliation appointed under the provisions of this Act.

Unfair
labour
practice of
employee.

- (2) It shall be an unfair labour practice for any employee or any person acting on behalf of a labour organization,—

- (a) to use coercion or intimidation of any kind with a view to encouraging or discouraging membership in or activity in or for a labour organization; provided that nothing in this Act shall preclude a person acting on behalf of a trade union from attempting to persuade an employer to make an agreement with that trade union to require as a condition of employment membership or maintenance of membership in such trade union or the selection of employees by or with the advice of a trade union or any other condition in regard to employment, if such trade union has been designated or selected by a majority of employees in any such unit as their representative for the purpose of bargaining collectively; or

- (b) to take part in or persuade or attempt to persuade any employee to take part in a strike while an application is pending before the board or any matter is pending before a board of conciliation appointed under the provisions of this Act.

Penalties.

- 8b.—(1) Any person who takes part in, aids, abets, counsels or procures any unfair labour practice shall, in addition to any other penalty which he has incurred or had imposed upon him under the provisions of this Act, be guilty of an offence and liable on summary conviction for a first offence to a fine of not less than \$25 and not more than \$200, if an individual, or not less than \$200 and not more than \$5,000 if a corporation, and upon a second and subsequent offence, to such fine and to imprisonment not exceeding one year, if an individual, or not less than \$500 and not more than \$10,000 if a corporation.

Consent of
Board.

- (2) No prosecution shall be instituted under this section without the consent of the Board.

Appoint
ment of
controller.

- 8c. In addition to any other penalties imposed or remedies provided by this Act, the Lieutenant-Governor in

Council, upon the application of the board and upon being satisfied that any employer has wilfully disregarded or disobeyed any order filed by the board, may appoint a controller to take possession of any business, plant or premises of such employer within Ontario as a going concern and operate the same on behalf of His Majesty until such time as the Lieutenant-Governor in Council is satisfied that upon the return of such business, plant or premises to the employer the order of the board will be obeyed.

- 8d. The Minister may establish a board of conciliation to investigate, conciliate and report upon any dispute between an employer and a trade union, or, if no trade union has been determined under this Act as representing a majority of the employees concerned, between an employer and any of his employees affecting any terms or conditions of employment of any employees of such employer or affecting or relating to the relations between such employer and all or any of his employees or relating to the interpretation of any agreement or clause thereof between an employer and a trade union. Board of conciliation.
- 8e. The Minister may make such regulations as he thinks fit in regard to the appointment of boards of conciliation and the chairman thereof by the nomination of the parties to the dispute or by himself, and for the sittings, procedure and remuneration of such boards and publication of the reports of such boards with a view to the rapid disposition of any dispute. Minister may make regulations for board.
- 8f. Any trade union representing the majority of employees in any unit of employees may enter into an agreement with an employer to refer a dispute or disputes or a class of disputes to the board and the board shall hear and determine any dispute referred to it by either party in pursuance of such agreement and the finding of the board shall be final and conclusive and shall in regard to all matters within the legislative jurisdiction of this Legislature be binding upon the parties and enforceable as an order of the Board made in accordance with the provisions of this Act. Union may enter into agreement.
- 8g. Upon the request in writing of any employee, and upon request of a trade union representing the majority of employees in any bargaining unit of his employees, the employer shall deduct and pay in periodic payments out of the wages due to such employee, to the person designated by the trade Check-off.

union to receive the same, the union dues of such employee until such employee has withdrawn in writing such request, and the employer shall furnish to such trade union the names of the employees who have given or withdrawn such authority and failure to make payments and furnish information required by this section shall be an unfair labour practice.

Term of
agreement.

8h.—(1) Except as hereinafter provided, every collective bargaining agreement, whether heretofore or hereafter entered into, shall notwithstanding anything contained therein, remain in force for a period of one year from its effective date and thereafter from year to year.

Termination
of agree-
ment.

(2) Either party to a collective bargaining agreement may, not less than thirty days nor more than sixty days before the expiry date of such agreement, give notice in writing to the other party to terminate such agreement or to negotiate a revision thereof, and thereupon, subject to subsection 3, the parties shall forthwith bargain collectively with a view to the renewal or revision of such agreement or the conclusion of a new agreement.

Board may
designate
trade union.

(3) Any trade union claiming to represent a majority of employees in the appropriate unit of employees or any part thereof to which any collective bargaining agreement applies may, not less than thirty days nor more than sixty days before the expiry date of such agreement, apply to the Board for an order determining it to be the trade union representing a majority of employees in the appropriate unit of employees to which the agreement applies, or in any part thereof, and if the Board makes such order the employer shall forthwith bargain collectively with such trade union and the former agreement shall be of no force or effect in so far as it applies to any unit of employees in which such trade union has been determined as representing a majority of employees.

Modified
union shop.

8i.—(1) Upon the request of a trade union representing a majority of employees in any appropriate bargaining unit, the following clause shall be included in any collective bargaining agreement entered into between the trade union and the employer concerned, and, whether or not any collective bargaining agreement is for the time being in force, such clause shall be effective and its terms shall be carried out by the employer with respect to the employees on and after

SECTION 5. Repeals certain sections of the Act dealing principally with exemptions from the Act; finality of the Board's orders; and the suspension of *The Industrial Disputes Investigation Act*.

the date of the trade union's request until such time as the employer is no longer required by or pursuant to this Act to bargain collectively with such trade union:

"Every employee who is now or hereafter becomes a member of the union shall maintain his membership in the union as a condition of his employment, and every new employee whose employment commences hereafter shall, within thirty days after the commencement of his employment, apply for and maintain membership in the union as a condition of his employment."

and the expression "the union" in the said clause shall mean the trade union making such request.

- (2) Subject to any law or any regulation applicable thereto passed by authority of the Parliament of Canada, failure on the part of any employer to carry out the provisions of subsection 1 shall be an unfair labour practice. Offence.

5. Sections 10, 11, 12 and 13 of *The Labour Relations Board Act, 1944*, are repealed. 1944, c. 29,
ss. 10, 11,
12, 13,
repealed.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment of Act.

7. This Act may be cited as *The Labour Relations Board Amendment Act, 1947*. Short title.

An Act to amend The Labour Relations
Board Act, 1944

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. CARLIN

No. 54

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Liquor Licence Act, 1946.

MR. MACLEOD

TORONTO
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ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Bill is self-explanatory.

No. 54

1947

BILL

An Act to amend The Liquor Licence Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 39 of *The Liquor Licence Act*, ^{1946,} _{c. 47, s. 39,} 1946, is amended by inserting after the word "situated" in ^{subs. 1,} _{amended.} the third line the words "or the council of a municipality in such district", so that the said subsection shall now read as follows:

- (1) Any person resident in a licensing district where the ^{Objections.} premises concerning which the application is made are situated, or the council of a municipality in such district, may object to the application and the grounds of objection in writing shall be filed with the deputy registrar at least ten days before the meeting at which the application is to be heard.

2. This Act may be cited as *The Liquor Licence Amendment* ^{Short title.} Act, 1947.

An Act to amend The Liquor Licence
Act, 1946.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. MACLEOD

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Ontario Municipal Board Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1. The present section provides for a Board of three members, which owing to the increasing volume of work may be inadequate to properly and expeditiously perform the work of the Board.

Power is therefore given to increase the number of the members of the Board.

SECTION 2. When the approval of the Board is required to a matter and a prerequisite of the approval is the assent of the electors, the Board may, if all the members agree, dispense with the prerequisite. The agreement of all members of the Board was feasible and proper when the Board was composed of two or three members, but if the number of the members of the Board is increased it will no longer be practicable or necessary to require all the members to agree to the making of such orders.

Under the section as amended the members hearing a matter will make all the decisions in connection with it.

No. 55

1947

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 7 of *The Ontario Municipal Board Act* Rev. Stat., c. 60, s. 7, re-enacted. is repealed and the following substituted therefor:

7.—(1) The Board shall be composed of as many members as the Lieutenant-Governor in Council may Composition of Board. from time to time determine.

(2) The members shall be appointed by the Lieutenant-Governor in Council, one of whom shall be appointed as chairman and another as vice-chairman. Idem.

(2) The members of the Ontario Municipal Board heretofore appointed shall continue in their respective offices during pleasure. Present members.

2. Subsection 1 of section 69 of *The Ontario Municipal Board Act* is amended by striking out the proviso in the fourteenth, fifteenth, sixteenth and seventeenth lines. Rev. Stat., c. 60, s. 69, subs. 1, amended.

3. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1947*. Short title.

An Act to amend The Ontario Municipal
Board Act.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. DUNBAR

No. 55

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Ontario Municipal Board Act.

MR. DUNBAR

No. 55

1947

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 7 of *The Ontario Municipal Board Act* Rev. Stat., c. 60, s. 7, re-enacted. is repealed and the following substituted therefor:

7.—(1) The Board shall be composed of as many members as the Lieutenant-Governor in Council may Composition of Board. from time to time determine.

(2) The members shall be appointed by the Lieutenant-Governor in Council, one of whom shall be appointed as chairman and another as vice-chairman. Idem.

(2) The members of the Ontario Municipal Board heretofore appointed shall continue in their respective offices during pleasure. Present members.

2. Subsection 1 of section 69 of *The Ontario Municipal Board Act* is amended by striking out the proviso in the Rev. Stat., c. 60, s. 69, subs. 1, amended. fourteenth, fifteenth, sixteenth and seventeenth lines.

3. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1947.* Short title.

An Act to amend The Ontario Municipal
Board Act.

1st Reading

March 10th, 1947

2nd Reading

March 12th, 1947

3rd Reading

March 17th, 1947

MR. DUNBAR

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

**An Act to amend The Hours of Work and Vacations
with Pay Act, 1944.**

MR. PARENT

EXPLANATORY NOTE

This Bill is self-explanatory.

No. 56

1947

BILL

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subsection 2 of section 2 of *The Hours of Work and Vacations with Pay Act, 1944*, is repealed and the following substituted therefor: 1944,
c. 26, s. 2,
subs. 2,
re-enacted.

(2) Subject to the provisions of this Act, every employee vacations.
in an industrial undertaking shall be given a vacation
of at least two weeks with pay for every working
year of his employment.

2. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1947*. Short title.

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. PARENT

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Public Schools Act.

MR. MACLEOD

No. 57

1947

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 89 of *The Public Schools Act*, as amended by Rev. Stat., c. 357, s. 89, section 11 of *The School Law Amendment Act, 1943*, section 12 amended. of *The School Law Amendment Act, 1944*, and section 5 of *The Public Schools Amendment Act, 1946*, is further amended by adding thereto the following clause:

(dd) to provide milk for children of school age.

to provide
milk.

2. The Act may be cited as *The Public Schools Amendment Act, 1947*. Short title.

An Act to amend The Public Schools Act.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. MACLEOD

No. 58

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Municipal Act.

MR. SALSBERG

EXPLANATORY NOTE

This paragraph empowers cities, towns, villages and townships to pass by-laws for buying and storing fuel and food and for selling the same to dealers and residents of the municipality. Such by-laws must be approved by the Municipal Board and the Lieutenant-Governor in Council and be passed by a vote of two-thirds of all the members of council.

The amendment is self-explanatory.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Item i of paragraph 38 of section 405 of *The Municipal Act* is amended by striking out the words "and such" in the first line and inserting in lieu thereof the words "or milk or such other", so that the said item shall now read as follows:

Rev. Stat.,
c. 266, s. 405,
par. 38,
item i,
amended.

- i. For buying and storing fuel or milk or such other articles of food as may be designated by order of the Board and for selling the same to dealers and residents of the municipality.

An Act to amend The Municipal Act.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. SALSBERG

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Election Act.

MR. MACLEOD

EXPLANATORY NOTE

The purpose of the amendments contained in this Bill is to lower the age qualification for voting under *The Election Act* from twenty-one years to eighteen years.

BILL

An Act to amend The Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of paragraph 1 of section 18 of *The Election Act* is amended by striking out the word "twenty-one" and inserting in lieu thereof the word "eighteen", so that the said clause shall now read as follows:

Rev. Stat.,
c. 8, s. 18,
para. 1, cl. *a*,
amended.

(*a*) is of the full age of eighteen years.

(2) Paragraph 2 of the said section 18, as re-enacted by section 3 of *The Election Amendment Act, 1942*, is amended by striking out the word "twenty-one" in the tenth line, and inserting in lieu thereof the word "eighteen".

Rev. Stat.,
c. 8, s. 18,
para. 2,
(1942, c. 13,
s. 3),
amended.

(3) Clause *a* of paragraph 3 of the said section 18 is amended by striking out the word "twenty-one" and inserting in lieu thereof the word "eighteen", so that the said clause shall now read as follows:

Rev. Stat.,
c. 8, s. 18,
para. 3, cl. *a*,
amended.

(*a*) is of the full age of eighteen years.

2. Subsection 2 of section 89 of *The Election Act* is amended by striking out the word "twenty-one" in the third line, and inserting in lieu thereof the word "eighteen", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 8, s. 89,
subs. 2,
amended.

(2) A mariner may appoint in writing (Form 26) a proxy who shall be the wife, husband, parent, brother, sister or child of the mariner, of the full age of eighteen years and an elector entitled to vote in the electoral district in which the mariner is qualified to vote.

Appoint-
ment by
proxy.

3. Forms 1, 2, 3, 26, 28, 30 and 31 in the Schedule of Forms to *The Election Act* are amended by striking out the word

Rev. Stat.,
c. 8, Sched.
of Forms,
amended.

“twenty-one” wherever it appears and inserting in lieu thereof the word “eighteen”.

Short title.

4. This Act may be cited as *The Election Amendment Act, 1947*.

An Act to amend The Election Act.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. MACLEOD

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Dog Tax and Live Stock Protection Act.

MR. KENNEDY

EXPLANATORY NOTE

The Bill limits the extent and amount of damages that a valuer may allow to the owner of any head of sheep or any head of cattle killed or injured by a dog.

BILL

An Act to amend The Dog Tax and Live Stock Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Dog Tax and Live Stock Protection Act* Rev. Stat., c. 335, s. 11, amended. is amended by adding thereto the following subsection:

- (8) No live stock valuer appointed by a municipality or by the Minister shall report the extent and amount of damage done to a head of sheep in excess of \$40 or the extent and amount of damage done to a head of cattle in excess of \$250. Maximum amount of damages limited.

2. This Act may be cited as *The Dog Tax and Live Stock Protection Amendment Act, 1947.* Short title.

An Act to amend The Dog Tax and Live
Stock Protection Act.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Dog Tax and Live Stock Protection Act.

MR. KENNEDY

No. 60

1947

BILL

An Act to amend The Dog Tax and Live Stock Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Dog Tax and Live Stock Protection Act* Rev. Stat., c. 335, s. 11, amended. is amended by adding thereto the following subsection:

(8) No live stock valuer appointed by a municipality or by the Minister shall report the extent and amount of damage done to a head of cattle in excess of \$250. Maximum amount of damages limited.

2. This Act may be cited as *The Dog Tax and Live Stock Protection Amendment Act, 1947.* Short title..

An Act to amend The Dog Tax and Live
Stock Protection Act.

1st Reading

March 10th, 1947

2nd Reading

March 14th, 1947

3rd Reading

March 21st, 1947

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Fire Departments Act, 1947.

MR. BLACKWELL

EXPLANATORY NOTE

The purpose of the Bill is to provide for collective bargaining and compulsory arbitration for the purpose of defining, determining and providing for remuneration and working conditions of members of permanent fire departments as defined by the Act. (See sections 7, 8 and 9.)

In view of the numerous amendments which have been made to *The Fire Departments Act* since the general revision of the Statutes in 1937 the Act is passed in the form of a consolidating Act. With a view to simplification and clarification an interpretation section has been introduced.

BILL

The Fire Departments Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) “members” when used in relation to a fire department, shall include all persons regularly employed in the fire department on a full-time salaried basis; and
- (b) “permanent fire department” shall mean a fire department established by a municipality under the provisions of *The Municipal Act* where the officers and employees, or any of them, are regularly employed by the municipality on a full-time salaried basis but any person who voluntarily acts as a fireman for a nominal consideration or honorarium shall not be deemed to be an officer or employee of a permanent fire department. 1944, c. 20, s. 1, *part, amended*.

“members”.
“permanent
fire depart-
ment”.
Rev. Stat.,
c. 266.

PLATOON SYSTEMS.

2. Where in any municipality having a population of not less than 10,000 there is a permanent fire department, the members of such fire department shall be divided into two platoons who shall work according to one of the following systems:

Two
platoon
system.

No. 1 System—A platoon shall not be kept on duty for more than twenty-four consecutive hours, after which such platoon shall be allowed twenty-four consecutive hours off duty; or

No. 2 System—Each platoon shall work day work of ten consecutive hours followed immediately by fourteen consecutive hours off duty, while the other platoon shall work night work of fourteen consecutive hours, followed immediately by ten consecutive hours off duty, and the platoons shall alternate every seventh day from night work to day work and *vice versa*. 1944, c. 20, s. 1, *part, amended*.

Three
platoon
system.

3. Notwithstanding the provisions of section 2, any municipality may establish a three platoon system under which each platoon shall work eight consecutive hours followed immediately by sixteen consecutive hours off duty, the platoons to rotate in their periods of duty or time off as may be arranged for the purpose of changing shifts every seven days. 1945, c. 8, s. 1, *part*.

Alternative
system.

4. Notwithstanding the provisions of sections 2 and 3, any municipality may establish any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours a week and the hours off duty are free from all fire department duties or calls, provided that in the case of a serious emergency requiring the services of every member of the fire department the chief of the fire department may in his discretion recall to duty the members who are not on duty. 1946, c. 31, s. 1.

DAYS OFF.

Weekly day
off duty.

5.—(1) Where in any municipality there is a permanent fire department, every member of the department shall be off duty for one full day of twenty-four hours in every calendar week, but where a two platoon system or a three platoon system is in operation, the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. R.S.O. 1937, c. 282, s. 3; 1944, c. 20, s. 2, *amended*.

Time off
duty.

(2) Nothing in this Act shall be deemed to prohibit any municipality from granting more than one day off duty in every calendar week for the members of the fire department. 1945, c. 8, s. 1, *part*.

Act not
to affect
salaries or
holidays of
employees.

6. No deduction shall be made from the pay or the holidays of the members of a permanent fire department by reason of the provisions of this Act. R.S.O. 1937, c. 282, s. 2.

BARGAINING AND ARBITRATION.

Bargaining.

7.—(1) Where in any municipality there is a permanent fire department, the council of the municipality shall, when

requested by a majority of the members of the fire department, bargain in good faith with a bargaining committee of the members for the purpose of defining, determining and providing for remuneration and working conditions.‡

(2) Where not less than fifty per centum of the members of the fire department belong to a trade union any request made under subsection 1 shall be made by the union. ^{Trade union.}

(3) In every case the members of the bargaining committee shall be members of the fire department, but where not less than fifty per centum of the members of the fire department belong to a trade union the bargaining committee may, at all meetings held with the council of the municipality or any committee thereof for the purpose of bargaining, be accompanied by,— ^{Affiliated bodies.}

(a) where the trade union is affiliated with a provincial body, one member of the provincial body; and

(b) where the trade union is affiliated with an international body, one member of the international body,

each of whom shall attend in an advisory capacity only.
New.

8.—(1) Where, after bargaining under section 7, the council of the municipality or the bargaining committee is satisfied that an agreement cannot be reached, it may by notice in writing to the bargaining committee or the council, as the case may be, require all matters in dispute to be referred to a board of arbitration of three members in which case the council and the bargaining committee shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed. ^{Board of arbitration.}

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof. ^{Failure to appoint member.}

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. ^{Failure to appoint chairman.}

Costs.

(4) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. *New.*

Effect of agreement or award.

9.—(1) Every agreement made under section 7 and every decision or award of a majority of the members of the board of arbitration under section 8, shall be binding upon the council of the municipality and the members of the fire department.

Commencement of agreement or award.

(2) A provision of an agreement, decision or award involving the expenditure of money by the council of the municipality shall not be enforceable until the commencement of the next fiscal period in respect of which the council may include provisions for such expenditure in its estimates.

Duration of agreement or award.

(3) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. *New.*

MUNICIPAL BY-LAWS.

Act to prevail over municipal regulations.

10. The provisions of this Act shall have effect notwithstanding any regulation or by-law of a municipal corporation relating to a fire department. R.S.O. 1937, c. 282, s. 4.

PENALTIES.

Penalties.

11.—(1) Every fire chief, superintendent, director or officer of a fire department who requires or requests an employee of the department to be on duty in violation of the provisions of this Act shall incur a penalty of not less than \$10 nor more than \$100. R.S.O. 1937, c. 282, s. 5.

Penalties,—recovery of.

Rev. Stat., c. 136.

(2) The penalties imposed under the authority of subsection 1 shall be recoverable under *The Summary Convictions Act*. *New.*

Rev. Stat., c. 282; 1944, c. 20; 1945, c. 8; 1946, c. 31, repealed.

12. *The Fire Departments Act, The Fire Departments Amendment Act, 1944, The Fire Departments Amendment Act, 1945, and The Fire Departments Amendment Act, 1946, are repealed.*

Short title.

13. This Act may be cited as *The Fire Departments Act, 1947.*

The Fire Departments Act, 1947.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Fire Departments Act, 1947.

MR. BLACKWELL

No. 61

1947

BILL

The Fire Departments Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "members" when used in relation to a fire department, shall include all persons regularly employed in the fire department on a full-time salaried basis; and
- (b) "permanent fire department" shall mean a fire department established by a municipality under the provisions of *The Municipal Act* where the officers and employees, or any of them, are regularly employed by the municipality on a full-time salaried basis but any person who voluntarily acts as a fireman for a nominal consideration or honorarium shall not be deemed to be an officer or employee of a permanent fire department. 1944, c. 20, s. 1, *part, amended.*

"permanent
fire depart-
ment".
Rev. Stat.,
c. 266.

PLATOON SYSTEMS.

2. Where in any municipality having a population of not less than 10,000 there is a permanent fire department, the members of such fire department shall be divided into two platoons who shall work according to one of the following systems:

Two
platoon
system.

No. 1 System—A platoon shall not be kept on duty for more than twenty-four consecutive hours, after which such platoon shall be allowed twenty-four consecutive hours off duty; or

No. 2 System—Each platoon shall work day work of ten consecutive hours followed immediately by fourteen consecutive hours off duty, while the other platoon shall work night work of fourteen consecutive hours, followed immediately by ten consecutive hours off duty, and the platoons shall alternate every seventh day from night work to day work and *vice versa*. 1944, c. 20, s. 1, *part*, *amended*.

Three
platoon
system.

3. Notwithstanding the provisions of section 2, any municipality may establish a three platoon system under which each platoon shall work eight consecutive hours followed immediately by sixteen consecutive hours off duty, the platoons to rotate in their periods of duty or time off as may be arranged for the purpose of changing shifts every seven days. 1945, c. 8, s. 1, *part*.

Alternative
system.

4. Notwithstanding the provisions of sections 2 and 3, any municipality may establish any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours a week and the hours off duty are free from all fire department duties or calls, provided that in the case of a serious emergency requiring the services of every member of the fire department the chief of the fire department may in his discretion recall to duty the members who are not on duty. 1946, c. 31, s. 1.

DAYS OFF.

Weekly day
off duty.

5.—(1) Where in any municipality there is a permanent fire department, every member of the department shall be off duty for one full day of twenty-four hours in every calendar week, but where a two platoon system or a three platoon system is in operation, the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. R.S.O. 1937, c. 282, s. 3; 1944, c. 20, s. 2, *amended*.

Time off
duty.

(2) Nothing in this Act shall be deemed to prohibit any municipality from granting more than one day off duty in every calendar week for the members of the fire department. 1945, c. 8, s. 1, *part*.

Act not
to affect
salaries or
holidays of
employees.

6. No deduction shall be made from the pay or the holidays of the members of a permanent fire department by reason of the provisions of this Act. R.S.O. 1937, c. 282, s. 2.

BARGAINING AND ARBITRATION.

Bargaining.

7.—(1) Where in any municipality there is a permanent fire department, the council of the municipality shall, when

requested by a majority of the members of the fire department, bargain in good faith with a bargaining committee of the members for the purpose of defining, determining and providing for remuneration and working conditions.

(2) Where not less than fifty per centum of the members of ^{Trade union.} the fire department belong to a trade union any request made under subsection 1 shall be made by the union.

(3) In every case the members of the bargaining committee ^{Affiliated bodies.} shall be members of the fire department, but where not less than fifty per centum of the members of the fire department belong to a trade union the bargaining committee may, at all meetings held with the council of the municipality or any committee thereof for the purpose of bargaining, be accompanied by,—

(a) where the trade union is affiliated with a provincial body, one member of the provincial body; and

(b) where the trade union is affiliated with an international body, one member of the international body,

each of whom shall attend in an advisory capacity only.
New.

8.—(1) Where, after bargaining under section 7, the council of the municipality or the bargaining committee is satisfied ^{Board of arbitration.} that an agreement cannot be reached, it may by notice in writing to the bargaining committee or the council, as the case may be, require all matters in dispute to be referred to a board of arbitration of three members in which case the council and the bargaining committee shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

(2) Where either party fails to appoint a member of the ^{Failure to appoint member.} board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

(3) Where the two members of the board of arbitration ^{Failure to appoint chairman.} appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member.

Costs.

(4) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. *New.*

Effect of agreement or award.

9.—(1) Every agreement made under section 7 and every decision or award of a majority of the members of the board of arbitration under section 8, shall be binding upon the council of the municipality and the members of the fire department.

Commencement of agreement or award.

(2) A provision of an agreement, decision or award involving the expenditure of money by the council of the municipality shall not be enforceable until the commencement of the next fiscal period in respect of which the council may include provisions for such expenditure in its estimates.

Duration of agreement or award.

(3) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. *New.*

MUNICIPAL BY-LAWS.**Act to prevail over municipal regulations.**

10. The provisions of this Act shall have effect notwithstanding any regulation or by-law of a municipal corporation relating to a fire department. R.S.O. 1937, c. 282, s. 4.

PENALTIES.**Penalties.**

11.—(1) Every fire chief, superintendent, director or officer of a fire department who requires or requests an employee of the department to be on duty in violation of the provisions of this Act shall incur a penalty of not less than \$10 nor more than \$100. R.S.O. 1937, c. 282, s. 5.

Penalties,—recovery of.

Rev. Stat.,
c. 136.

(2) The penalties imposed under the authority of subsection 1 shall be recoverable under *The Summary Convictions Act*. *New.*

Rev. Stat.,
c. 282;
1944, c. 20;
1945, c. 8;
1946, c. 31,
repealed.

12. *The Fire Departments Act, The Fire Departments Amendment Act, 1944, The Fire Departments Amendment Act, 1945, and The Fire Departments Amendment Act, 1946, are repealed.*

Short title.

13. This Act may be cited as *The Fire Departments Act, 1947*.

1st Reading

March 10th, 1947

2nd Reading

March 14th, 1947

3rd Reading

March 21st, 1947

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Dependants' Relief Act.

MR. BLACKWELL

EXPLANATORY NOTE

The purpose of this Bill is to ensure that no person shall receive greater benefits as a result of this Act than he would have been entitled to if there had been an intestacy.

BILL

An Act to amend The Dependants' Relief Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Dependants' Relief Act*, as amended by Rev. Stat., c. 214, s. 10, amended. section 11 of *The Statute Law Amendment Act, 1942*, is further amended by inserting after the word "paid" in the second line the words "together with the value of any benefits given under the will of the testator", so that the said section shall now read as follows:

10. Subject to the provisions of section 8 the amount or Limit of amount or value of allowance. value of any allowance ordered to be paid, together with the value of any benefits given under the will of the testator, shall not exceed the amount to which the person in whose favour the order is made would have been entitled if the testator had died intestate.

2. This Act may be cited as *The Dependants' Relief Amendment Act, 1947*. Short title.

An Act to amend 'The Dependants'
Relief Act.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Dependants' Relief Act.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Dependants' Relief Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Dependants' Relief Act*, as amended by Rev. Stat., c. 214, s. 10, amended. section 11 of *The Statute Law Amendment Act, 1942*, is further amended by inserting after the word "paid" in the second line the words "together with the value of any benefits given under the will of the testator", so that the said section shall now read as follows:

10. Subject to the provisions of section 8 the amount or Limit of amount or value of allowance. value of any allowance ordered to be paid, together with the value of any benefits given under the will of the testator, shall not exceed the amount to which the person in whose favour the order is made would have been entitled if the testator had died intestate.

2. This Act may be cited as *The Dependants' Relief Amendment Act, 1947*. Short title.

BILL
An Act to amend 'The Dependents'
Relief Act.

1st Reading

March 10th, 1947

2nd Reading

March 14th, 1947

3rd Reading

March 21st, 1947

MR. BLACKWELL

No. 63

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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EXPLANATORY NOTES

In accordance with the principle that a Department of the civil service shall have a minister with a portfolio corresponding to the name of the Department, the provisions for a Department in the Insurance Act are removed and the references are now made to the Superintendent. The amendments effecting this change are in subsection 2 of section 1 and in sections 2, 3, 4, 5, 6, 7, 11 and 12 of the Bill.

SECTION 1—Subsection 1. The present definition of “adjuster” is confined to those who adjust under fire or automobile insurance policies on behalf of the insurer, or under fire insurance policies on behalf of the insured. The definition is broadened by this amendment to cover all adjusters, with specified exceptions, as it is felt desirable to require all adjusters to be licensed.

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 2 of section 1 of *The Insurance Act* Rev. Stat., c. 256, s. 1, par. 2, re-enacted. is repealed and the following substituted therefor:

2. "Adjuster" means a person who,—

"Adjuster".

(a) on behalf of an insurer or an insured, for compensation, directly or indirectly solicits the right to negotiate the settlement of or investigate a loss or claim under a contract or a fidelity, surety or guaranty bond issued by an insurer, or investigates, adjusts or settles any such loss or claim; or

(b) holds himself out as an adjuster, investigator, consultant or adviser with respect to the settlement of such losses or claims,

but does not include,

Exceptions.

(c) a barrister or solicitor acting in the usual course of his profession; .

(d) a trustee or agent of the property insured;

(e) a salaried employee of a licensed insurer while acting on behalf of such insurer in the adjustment of losses;

(f) a person who is employed as an appraiser, engineer or other expert solely for the purpose of giving expert advice or evidence; or

(g) a person who acts as an adjuster of marine losses only.

Rev. Stat.,
c. 256, s. 1,
par. 15,
repealed.

- (2) Paragraph 15 of the said section 1 is repealed.

Rev. Stat.,
c. 256, s. 2,
repealed.

2. Section 2 of *The Insurance Act* is repealed.

Rev. Stat.,
c. 256, s. 3,
subs. 1,
amended.

3. Subsection 1 of section 3 of *The Insurance Act* is amended by striking out the words "be the deputy head of the Department" in the third line, and inserting in lieu thereof the words "who shall act under the instructions of the Minister and have such powers, rights and privileges of administration as may be required under the provisions of this Act", so that the said subsection shall now read as follows:

Appoint-
ment of
Superin-
tendent.

- (1) There shall continue to be a Superintendent of Insurance who shall be appointed by the Lieutenant-Governor in Council and who shall act under the instructions of the Minister and have such powers, rights and privileges of administration as may be required under the provisions of this Act.

Rev. Stat.,
c. 256, s. 8,
subs. 1,
amended.

- 4.—(1) Subsection 1 of section 8 of *The Insurance Act* is amended by striking out the words "in the Department" in the first line, so that the said subsection, exclusive of the clauses, shall now read as follows:

Records of
Superin-
tendent.

- (1) The Superintendent shall keep the following books and records:

.

Rev. Stat.,
c. 256, s. 8,
subs. 2,
amended.

- (2) Subsection 2 of the said section 8 is amended by striking out the words "in the Department" in the second line, so that the said subsection shall now read as follows:

Inspection.

- (2) The books and records required by this section to be kept shall be open to inspection at such time and upon payment of such fees as may be prescribed by the regulations.

Rev. Stat.,
c. 256, s. 16,
subs. 6,
amended.

5. Subsection 6 of section 16 of *The Insurance Act* is amended by striking out the words "of the Department" in the third line, so that the said subsection shall now read as follows:

Expenses
of examin-
ation.

- (6) Where the office of an insurer at which an examination is made pursuant to this section is out of Ontario, the insurer shall pay the account in connection with such examination upon the certificate of the Superintendent approved by the Minister.

Rev. Stat.,
c. 256, s. 75,
amended.

6. Section 75 of *The Insurance Act* is amended by striking out the word "Department" where it occurs in the fourth and

SECTION 8. Section 104 of the Act, prior to 1939, prescribed the limitation of one year for mercantile policies and three years in other cases. This provision, however, was repealed in 1939, but subsection 1 of section 126, dealing with cash-mutual fire insurance companies, was not amended at the time to bring the practices of these companies into line with that of other companies. This amendment produces the desired result.

sixth lines respectively and inserting in lieu thereof the word "Superintendent", so that the said section shall now read as follows:

75. Every person who represents orally or in writing that the issue of a license to an insurer or the printing or publication of an annual statement in the report of the Superintendent or in any other publication of the Superintendent or any other circumstance of the supervision or regulation of the business of the insurer by law or the Superintendent is a warranty or guaranty of the financial standing of the insurer or of its ability to provide for the payment of its contracts at maturity, shall be guilty of an offence.
- Statements that financial standing guaranteed by government prohibited.

7.—(1) Subsection 1 of section 84 of *The Insurance Act* is amended by striking out the word "Department" in the second and third lines and inserting in lieu thereof the word "Superintendent", so that the said subsection shall now read as follows:

Rev. Stat., c. 256, s. 84, subs. 1, amended.

- (1) Until otherwise prescribed by the Lieutenant-Governor in Council, the fees or taxes payable to the Superintendent by an insurer or other person shall be as mentioned in Schedule A.
- Fees.

(2) Clause *c* of subsection 3 of the said section 84 is amended by striking out the words "of the Department or the carrying out of the provisions" in the first and second lines, so that the first two lines of the said subsection and clause *c* shall now read as follows:

Rev. Stat., c. 256, s. 84, subs. 3, cl. c, amended.

- (3) The Lieutenant-Governor in Council may make regulations,—
- Regulations.

(c) generally for the better administration of this Act.

8. Subsection 1 of section 126 of *The Insurance Act* is amended by striking out the words "for a period not exceeding three years, on risks other than mercantile and manufacturing, and for one year or less on any other class of property" in the second, third, fourth and fifth lines, so that the said subsection shall now read as follows:

Rev. Stat., c. 256, s. 126, subs. 1, amended.

- (1) An insurer licensed to transact cash-mutual fire insurance may effect insurance upon the cash plan, but the amount of premiums received on cash insurances in any one calendar year shall not exceed four times the amount which the insurer has then on deposit with the Minister.
- Powers of incorporated insurers to insure on the cash principle.

Rev. Stat.,
c. 256, s. 205,
amended.

9. Section 205 of *The Insurance Act*, as amended by section 6 of *The Statute Law Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Section
applicable
to purported
policy.

- (3a) It shall not be a defence to an action under this section that an instrument issued as a motor vehicle liability policy by a person engaged in the business of an insurer, and alleged by a party to the action to be such a policy, is not a motor vehicle liability policy, and the provisions of this section shall apply, *mutatis mutandis*, to the instrument.

Rev. Stat.,
c. 256, s. 281,
subs. 9,
re-enacted.

10.—(1) Subsection 9 of section 281 of *The Insurance Act* is repealed and the following substituted therefor:

Advisory
board to
hold hearing
and report.

- (9) In determining the granting or refusal of an application for a license or renewal of license, or the revocation of any existing license, the Superintendent may, and shall when so requested in writing by the applicant or licensee, appoint an advisory board consisting of,—

(a) a representative of insurers;

(b) a representative of agents; and

(c) a representative of the Superintendent,

which shall hold a hearing and make a report to the Superintendent with such recommendation as it may deem fit.

Rev. Stat.,
c. 256, s. 281,
amended.

(2) The said section 281 is further amended by adding thereto the following subsection:

Decision
not subject
to appeal.

- (10a) Where the decision of the Superintendent is rendered after a hearing and in accordance with the recommendation of the board, his decision shall be final and binding upon all parties concerned and shall not be subject to appeal.

Rev. Stat.,
c. 256, s. 284,
subs. 7,
amended.

11.—(1) Subsection 7 of section 284 of *The Insurance Act* is amended by striking out the words "officer of the Department" in the fourth and fifth lines and inserting in lieu thereof the words "person authorized by him", so that the said subsection shall now read as follows:

Records to
be kept,—
inspection.

- (7) Every such licensee shall keep a separate account of insurance effected by him under his license in books in the form prescribed by the Superintendent, which shall be open to inspection by the Superintendent or any person authorized by him.

SECTION 9. Section 205 of the Act was intended to create an absolute liability on the part of the insurer toward a person injured by a person insured under a motor vehicle liability policy. In the case of *Bourgeois vs. Prudential Assurance Company* the Supreme Court of New Brunswick on the same section of their Act held that where a material misrepresentation was made prior to the issue of the policy which resulted in the applicant never being actually insured, the provisions of the section were not applicable. This amendment has the effect of making the section applicable in any case where an instrument is issued as a motor vehicle liability policy by a person engaged in the business of an insurer which is alleged by a party to the action to be such a policy.

SECTION 10. This amendment merely clarifies the present subsection 9. The hearing provided for in subsection 8 of section 281 provides only for a case of a revocation of a license, whereas subsection 9 provides for a hearing to determine the granting or refusal of an application for a license or a renewal as well as the revocation of an existing license. Subsection 9 at present reads as follows:

- (9) In determining the granting or refusal of an application for* a license or renewal of license, or the cancellation of any existing license, the Superintendent may, and shall when so requested in writing by the applicant or licensee, nominate an advisory board before which the hearing provided for in subsection 8 shall be had, on which board there shall be a representative of insurers and a representative of agents, and a representative of the Superintendent, and the decision of the Superintendent rendered after the hearing and on the advice of such board, shall be final and binding upon all parties concerned and shall not be subject to appeal.

(2) Subsection 9 of the said section 284 is amended by ^{Rev. Stat., c. 256, s. 284, subs. 9, amended.} striking out the word "Department" in the second line and inserting in lieu thereof the word "Superintendent", so that the said subsection shall now read as follows:

(9) In respect of all premiums on insurance effected ^{Tax on premiums.} under a license, the licensee shall pay to the Superintendent such taxes as would be payable if such premiums had been received by a licensed insurer, and payment thereof shall accompany the monthly return provided for in subsection 8.

12. Schedule C to *The Insurance Act* is amended by ^{Rev. Stat., c. 256, Sched. C, amended.} striking out the words "DEPARTMENT OF INSURANCE" in the second line and inserting in lieu thereof the words "THE INSURANCE ACT", so that the said Schedule shall now read as follows:

SCHEDULE C

(Section 270)

No..... Term of license..... to.....

THE INSURANCE ACT ONTARIO

RECIPROCAL INSURANCE LICENSE

This is to certify that.....
being an exchange within the meaning of *The Insurance Act*, has complied with the requirements of the said Act; and the subscribers of the said exchange are hereby licensed and authorized for and during the term beginning on the.....day of....., 19...., and ending on the.....day of....., 19...., to exchange reciprocal contracts of indemnity or inter-insurance (*here state class of insurance*).

Superintendent of Insurance.

13. This Act may be cited as *The Insurance Amendment* ^{Short title.} Act, 1947.

An Act to amend The Insurance Act.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1. The present definition of "adjuster" is confined to those who adjust under fire or automobile insurance policies on behalf of the insurer, or under fire insurance policies on behalf of the insured. The definition is broadened by this amendment to cover all adjusters, with specified exceptions, as it is felt desirable to require all adjusters to be licensed.

No. 63

1947

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 2 of section 1 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 1,
par. 2, re-
enacted.

2. "Adjuster" means a person who,—

"Adjuster".

(a) on behalf of an insurer or an insured, for compensation, directly or indirectly solicits the right to negotiate the settlement of or investigate a loss or claim under a contract or a fidelity, surety or guaranty bond issued by an insurer, or investigates, adjusts or settles any such loss or claim; or

(b) holds himself out as an adjuster, investigator, consultant or adviser with respect to the settlement of such losses or claims,

but does not include,

Exceptions.

(c) a barrister or solicitor acting in the usual course of his profession;

(d) a trustee or agent of the property insured;

(e) a salaried employee of a licensed insurer while acting on behalf of such insurer in the adjustment of losses;

(f) a person who is employed as an appraiser, engineer or other expert solely for the purpose of giving expert advice or evidence; or

(g) a person who acts as an adjuster of marine losses only.

Rev. Stat.,
c. 256, s. 126,
subs. 1,
amended.

2. Subsection 1 of section 126 of *The Insurance Act* is amended by striking out the words "for a period not exceeding three years, on risks other than mercantile and manufacturing, and for one year or less on any other class of property" in the second, third, fourth and fifth lines, so that the said subsection shall now read as follows:

Powers of
incorporated
insurers to
insure on the
cash
principle.

- (1) An insurer licensed to transact cash-mutual fire insurance may effect insurance upon the cash plan, but the amount of premiums received on cash insurances in any one calendar year shall not exceed four times the amount which the insurer has then on deposit with the Minister.

Rev. Stat.,
c. 256, s. 205,
amended.

3. Section 205 of *The Insurance Act*, as amended by section 6 of *The Statute Law Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Section
applicable
to purported
policy.

- (3a) It shall not be a defence to an action under this section that an instrument issued as a motor vehicle liability policy by a person engaged in the business of an insurer, and alleged by a party to the action to be such a policy, is not a motor vehicle liability policy, and the provisions of this section shall apply, *mutatis mutandis*, to the instrument.

Rev. Stat.,
c. 256, s. 281,
subs. 9,
re-enacted.

4.—(1) Subsection 9 of section 281 of *The Insurance Act* is repealed and the following substituted therefor:

Advisory
board to
hold hearing
and report.

- (9) In determining the granting or refusal of an application for a license or renewal of license, or the revocation of any existing license, the Superintendent may, and shall when so requested in writing by the applicant or licensee, appoint an advisory board consisting of,—

- (a) a representative of insurers;
- (b) a representative of agents; and
- (c) a representative of the Superintendent,

which shall hold a hearing and make a report to the Superintendent with such recommendation as it may deem fit.

Rev. Stat.,
c. 256, s. 281,
amended.

(2) The said section 281 is further amended by adding thereto the following subsection:

SECTION 2. Section 104 of the Act, prior to 1939, prescribed the limitation of one year for mercantile policies and three years in other cases. This provision, however, was repealed in 1939, but subsection 1 of section 126, dealing with cash-mutual fire insurance companies, was not amended at the time to bring the practices of these companies into line with that of other companies. This amendment produces the desired result.

SECTION 3. Section 205 of the Act was intended to create an absolute liability on the part of the insurer toward a person injured by a person insured under a motor vehicle liability policy. In the case of *Bourgeois vs. Prudential Assurance Company* the Supreme Court of New Brunswick on the same section of their Act held that where a material misrepresentation was made prior to the issue of the policy which resulted in the applicant never being actually insured, the provisions of the section were not applicable. This amendment has the effect of making the section applicable in any case where an instrument is issued as a motor vehicle liability policy by a person engaged in the business of an insurer which is alleged by a party to the action to be such a policy.

SECTION 4. This amendment merely clarifies the present subsection 9. The hearing provided for in subsection 8 of section 281 provides only for a case of a revocation of a license, whereas subsection 9 provides for a hearing to determine the granting or refusal of an application for a license or a renewal as well as the revocation of an existing license. Subsection 9 at present reads as follows:

- (9) In determining the granting or refusal of an application for a license or renewal of license, or the cancellation of any existing license, the Superintendent may, and shall when so requested in writing by the applicant or licensee, nominate an advisory board before which the hearing provided for in subsection 8 shall be had, on which board there shall be a representative of insurers and a representative of agents, and a representative of the Superintendent, and the decision of the Superintendent rendered after the hearing and on the advice of such board, shall be final and binding upon all parties concerned and shall not be subject to appeal.

(10a) Where the decision of the Superintendent is rendered after a hearing and in accordance with the recommendation of the board, his decision shall be final and binding upon all parties concerned and shall not be subject to appeal.

5. This Act may be cited as *The Insurance Amendment Act, 1947*. Short title.

1st Reading

March 10th, 1947

2nd Reading

March 24th, 1947

3rd Reading

MR. BLACKWELL

(*Reprinted as amended in Committee of the
Whole House.*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 2 of section 1 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat., c. 256, s. 1, par. 2, re-enacted.

2. "Adjuster" means a person who,—

"Adjuster".

(a) on behalf of an insurer or an insured, for compensation, directly or indirectly solicits the right to negotiate the settlement of or investigate a loss or claim under a contract or a fidelity, surety or guaranty bond issued by an insurer, or investigates, adjusts or settles any such loss or claim; or

(b) holds himself out as an adjuster, investigator, consultant or adviser with respect to the settlement of such losses or claims,

but does not include,

Exceptions.

(c) a barrister or solicitor acting in the usual course of his profession;

(d) a trustee or agent of the property insured;

(e) a salaried employee of a licensed insurer while acting on behalf of such insurer in the adjustment of losses;

(f) a person who is employed as an appraiser, engineer or other expert solely for the purpose of giving expert advice or evidence; or

(g) a person who acts as an adjuster of marine losses only.

Rev. Stat.,
c. 256, s. 126,
subs. 1,
amended.

2. Subsection 1 of section 126 of *The Insurance Act* is amended by striking out the words "for a period not exceeding three years, on risks other than mercantile and manufacturing, and for one year or less on any other class of property" in the second, third, fourth and fifth lines, so that the said subsection shall now read as follows:

Powers of
incorporated
insurers to
insure on the
cash
principle.

- (1) An insurer licensed to transact cash-mutual fire insurance may effect insurance upon the cash plan, but the amount of premiums received on cash insurances in any one calendar year shall not exceed four times the amount which the insurer has then on deposit with the Minister.

Rev. Stat.,
c. 256, s. 205,
amended.

3. Section 205 of *The Insurance Act*, as amended by section 6 of *The Statute Law Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Section
applicable
to purported
policy.

- (3a) It shall not be a defence to an action under this section that an instrument issued as a motor vehicle liability policy by a person engaged in the business of an insurer, and alleged by a party to the action to be such a policy, is not a motor vehicle liability policy, and the provisions of this section shall apply, *mutatis mutandis*, to the instrument.

Rev. Stat.,
c. 256, s. 281,
subs. 9,
re-enacted.

4.—(1) Subsection 9 of section 281 of *The Insurance Act* is repealed and the following substituted therefor:

Advisory
board to
hold hearing
and report.

- (9) In determining the granting or refusal of an application for a license or renewal of license, or the revocation of any existing license, the Superintendent may, and shall when so requested in writing by the applicant or licensee, appoint an advisory board consisting of,—

- (a) a representative of insurers;
- (b) a representative of agents; and
- (c) a representative of the Superintendent,

which shall hold a hearing and make a report to the Superintendent with such recommendation as it may deem fit.

Rev. Stat.,
c. 256, s. 281,
amended.

(2) The said section 281 is further amended by adding thereto the following subsection:

(10a) Where the decision of the Superintendent is rendered after a hearing and in accordance with the recommendation of the board, his decision shall be final and binding upon all parties concerned and shall not be subject to appeal. ^{Decision not subject to appeal.}

5. This Act may be cited as *The Insurance Amendment Act, 1947*. ^{Short title.}

An Act to amend The Insurance Act.

1st Reading

March 10th, 1947

2nd Reading

March 24th, 1947

3rd Reading

October 30th, 1947

MR. BLACKWELL

No. 64

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Infants Act.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

At the present time section 1 gives jurisdiction both to the surrogate court and to the Supreme Court to entertain custody proceedings.

The purpose of this amendment is to provide that where proceedings in respect of custody of children, alimony, dissolution of marriage or annulment of marriage are pending in the Supreme Court any proceedings which have been commenced in the surrogate court may be transferred to the Supreme Court.

No. 64

1947

BILL

An Act to amend The Infants Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Infants Act* is amended by adding there- Rev. Stat.,
c. 215, s. 1,
amended.
to the following subsection:

(1a) Where,—

Removal of
proceedings
to Supreme
Court.

(a) custody proceedings have been commenced in a surrogate court under subsection 1; and

(b) it is made to appear to a judge of the Supreme Court that proceedings in respect of custody of children, alimony, dissolution of marriage or annulment of marriage are pending between the father and mother in the Supreme Court,

the judge of the Supreme Court may order that the custody proceedings in the surrogate court be removed to the Supreme Court, and may make such order as to the hearing of the application for custody and as to costs as he may deem proper.

2. This Act may be cited as *The Infants Amendment Act*, Short title.
1947.

An Act to amend The Infants Act

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. BLACKWELL.

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Infants Act.

MR. BLACKWELL.

BILL

An Act to amend The Infants Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Infants Act* is amended by adding there-
to the following subsection:

Rev. Stat.,
c. 215, s. 1,
amended.

(1a) Where,—

Removal of
proceedings
to Supreme
Court.

(a) custody proceedings have been commenced in a surrogate court under subsection 1; and

(b) it is made to appear to a judge of the Supreme Court that proceedings in respect of custody of children, alimony, dissolution of marriage or annulment of marriage are pending between the father and mother in the Supreme Court,

the judge of the Supreme Court may order that the custody proceedings in the surrogate court be removed to the Supreme Court, and may make such order as to the hearing of the application for custody and as to costs as he may deem proper.

2. This Act may be cited as *The Infants Amendment Act*,
1947.

Short title.

An Act to amend The Infants Act

1st Reading

March 10th, 1947

2nd Reading

March 14th, 1947

3rd Reading

March 17th, 1947

MR. BLACKWELL.

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Professional Engineers Act.

MR. BLACKWELL

EXPLANATORY NOTE

Section 4 of *The Professional Engineers Act*, which authorizes the council of the Association of Professional Engineers of the Province of Ontario to pass by-laws, is by this Bill extended to permit by-laws to be passed for the purposes indicated in the proposed clauses *aa* and *aaa*.

Subsection 1 of section 32 of *The Professional Engineers Act* referred to in the proposed amendment reads:

- (1) The council may, in its discretion, suspend or cancel the membership or license of any person who has been guilty of unprofessional conduct, or of gross negligence or incompetence or of continued breach of the by-laws of the Association, or any member or licensee convicted of a serious criminal offence by a court of competent jurisdiction, or may reprimand or censure such member or licensee.

No. 65

1947

BILL

An Act to amend The Professional Engineers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Professional Engineers Act*, as re-enacted by section 4 of *The Professional Engineers Amendment Act, 1946*, is amended by adding thereto the following clauses: Rev. Stat., c. 237, s. 4, subs. 1 (1946, c. 75, s. 4), amended.

(aa) prescribing a code of professional ethics;

(aaa) defining "unprofessional conduct", "gross negligence", "incompetence" and "serious criminal offence" for the purposes of subsection 1 of section 32.

2. This Act may be cited as *The Professional Engineers Amendment Act, 1947*. Short title.

An Act to amend The Professional
Engineers Act.

1st Reading

March 10th, 1947

2nd Reading

3rd Reading

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Professional Engineers Act.

MR. BLACKWELL

TORONTO
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BILL

An Act to amend The Professional Engineers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Professional Engineers Act*, as re-enacted by section 4 of *The Professional Engineers Amendment Act, 1946*, is amended by adding thereto the following clauses: Rev. Stat., c. 237, s. 4, subs. 1 (1946, c. 75, s. 4), amended.

(aa) prescribing a code of professional ethics;

(aaa) defining "unprofessional conduct", "gross negligence", "incompetence" and "serious criminal offence" for the purposes of subsection 1 of section 32.

2. This Act may be cited as *The Professional Engineers Amendment Act, 1947*. Short title.

An Act to amend 'The Professional
Engineers Act.

1st Reading

March 10th, 1947

2nd Reading

March 14th, 1947

3rd Reading

March 21st, 1947

MR. BLACKWELL.

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Public Parks Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1. This provision, which is new, will enable the council of a municipality to assign to the board of park management the management of any undertaking established under paragraph 30 of section 404 of *The Municipal Act*. The undertakings include arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, etc.

SECTION 2—Subsection 1. The reference to sinking fund debentures is deleted from clause *b* and a new clause added under which funds to manage a special undertaking may be furnished.

Subsection 2. This new clause will enable the funds necessary for the management of a special undertaking to be raised as part of the park fund rate, in which case a maximum rate of two mills for all purposes is provided.

Subsections 3, 4, 5 and 6. The amendments delete the references to sinking fund debentures as *The Municipal Act* no longer provides authority for the issue of this type of debenture.

BILL

An Act to amend The Public Parks Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Public Parks Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 285, s. 3,
amended.

- (4) The council may by by-law appoint the board to manage, regulate and control any undertaking established under paragraph 30 of section 404 of *The Municipal Act* and thereupon the management, regulation and control thereof shall be vested in and exercised by the board, and the board shall have power to prescribe fees for admittance to or for the use of any such undertaking. Management
of special
under-
takings.
Rev. Stat.,
c. 266.

2.—(1) Clause *b* of subsection 1 of section 17 of *The Public Parks Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 285, s. 17,
subs. 1, cl. *b*,
re-enacted.

(b) payment of interest and principal on debentures;

(bb) the expense of managing, regulating and controlling any undertaking established under paragraph 30 of section 404 of *The Municipal Act*. Rev. Stat.,
c. 266.

(2) The said section 17 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 285, s. 17,
amended.

(3a) When the board manages, regulates and controls any undertaking established under paragraph 30 of section 404 of *The Municipal Act*, the maximum rate mentioned in subsection 3 shall be two mills. When rate
may be
increased.
Rev. Stat.,
c. 266.

(3) Subsection 5 of the said section 17 is amended by striking out the words "interest and sinking fund or" in the fifth and sixth lines and inserting in lieu thereof the words "payments of interest and", so that the said subsection shall now read as follows: Rev. Stat.,
c. 285, s. 17,
subs. 5,
amended.

Issuing of debentures for half cost of park when remainder contributed.

- (5) If at least one-half of the cost of establishing a park is contributed by private subscription or otherwise, the council shall, at the request of the board of park commissioners, issue debentures for the remaining one-half, but only when the annual sum required to meet the annual payments of interest and principal can be provided for without exceeding the limit of one mill in the dollar provided for in subsection 3.

Rev. Stat., c. 285, s. 17, subs. 6, amended.

- (4) Subsection 6 of the said section 17 is amended by striking out the words "interest and sinking fund or" in the third and fourth lines and inserting in lieu thereof the words "payments of interest and", so that the said subsection shall now read as follows:

By-law, when not necessary to submit to electors.

- (6) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual payments of interest and principal does not, with a reasonable allowance for annual expenses of managing, improving and maintaining the parks and other works under the control of the board, exceed the limit of one mill in the dollar, any provisions in *The Municipal Act*, or any special Act, relating to the municipality, to the contrary notwithstanding.

Rev. Stat., c. 266.

Rev. Stat., c. 285, s. 17, subs. 10, amended.

- (5) Subsection 10 of the said section 17 is amended by striking out all the words after the word "annual" where it occurs the second time in the third line and inserting in lieu thereof the words "payments of interest and principal on the debentures", so that the said subsection shall now read as follows:

Annual rate for retirement of debentures.

- (10) During the currency of the debentures, the council shall withhold and retain out of and as a first charge on the annual rate the amount required to meet the annual payments of interest and principal on the debentures.

Rev. Stat., c. 285, s. 17, subs. 12, amended.

- (6) Subsection 12 of the said section 17 is amended by striking out all the words after the word "to" where it occurs the second time in the fifth line and inserting in lieu thereof the words "be retained under subsection 10", so that the said subsection shall now read as follows:

Money, application of.

- (12) All money realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other money, and shall be by him deposited to the credit of the park fund, and shall be paid out by him on the orders of the board;

SECTION 3. These sections, which are very old, deal with the policing of parks. They are no longer suitable and are therefore repealed. *The Police Act, 1946*, now covers such matters.

save as to the amount required to be retained under subsection 10.

3. Sections 19 and 20 of *The Public Parks Act* are repealed. Rev. Stat.,
c. 285,
ss. 19, 20,
repealed.

4. This Act may be cited as *The Public Parks Amendment Act, 1947*. Short title.

An Act to amend The Public Parks Act.

1st Reading

March 12th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Public Parks Act.

MR. DUNBAR

BILL

An Act to amend The Public Parks Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Public Parks Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 285, s. 3,
amended.

(4) The council may by by-law appoint the board to manage, regulate and control any undertaking established under paragraph 30 of section 404 of *The Municipal Act* and thereupon the management, regulation and control thereof shall be vested in and exercised by the board, and the board shall have power to prescribe fees for admittance to or for the use of any such undertaking. Management
of special
under-
takings.

Rev. Stat.,
c. 266.

2.—(1) Clause *b* of subsection 1 of section 17 of *The Public Parks Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 285, s. 17,
subs. 1, cl. *b*,
re-enacted.

(b) payment of interest and principal on debentures;

(bb) the expense of managing, regulating and controlling any undertaking established under paragraph 30 of section 404 of *The Municipal Act*. Rev. Stat.,
c. 266.

(2) The said section 17 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 285, s. 17,
amended.

(3a) When the board manages, regulates and controls any undertaking established under paragraph 30 of section 404 of *The Municipal Act*, the maximum rate mentioned in subsection 3 shall be two mills. When rate
may be
increased.

Rev. Stat.,
c. 266.

(3) Subsection 5 of the said section 17 is amended by striking out the words "interest and sinking fund or" in the fifth and sixth lines and inserting in lieu thereof the words "payments of interest and", so that the said subsection shall now read as follows: Rev. Stat.,
c. 285, s. 17,
subs. 5,
amended.

Issuing of
debentures
for half
cost of
park when
remainder
contributed.

- (5) If at least one-half of the cost of establishing a park is contributed by private subscription or otherwise, the council shall, at the request of the board of park commissioners, issue debentures for the remaining one-half, but only when the annual sum required to meet the annual payments of interest and principal can be provided for without exceeding the limit of one mill in the dollar provided for in subsection 3.

Rev. Stat.,
c. 285, s. 17,
subs. 6,
amended.

- (4) Subsection 6 of the said section 17 is amended by striking out the words "interest and sinking fund or" in the third and fourth lines and inserting in lieu thereof the words "payments of interest and", so that the said subsection shall now read as follows:

By-law,
when not
necessary
to submit
to electors.

- (6) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual payments of interest and principal does not, with a reasonable allowance for annual expenses of managing, improving and maintaining the parks and other works under the control of the board, exceed the limit of one mill in the dollar, any provisions in *The Municipal Act*, or any special Act, relating to the municipality, to the contrary notwithstanding.

Rev. Stat.,
o. 266.

- (5) Subsection 10 of the said section 17 is amended by striking out all the words after the word "annual" where it occurs the second time in the third line and inserting in lieu thereof the words "payments of interest and principal on the debentures", so that the said subsection shall now read as follows:

Rev. Stat.,
o. 285, s. 17,
subs. 10,
amended.

Annual
rate for
retirement
of debentures.

- (10) During the currency of the debentures, the council shall withhold and retain out of and as a first charge on the annual rate the amount required to meet the annual payments of interest and principal on the debentures.

Rev. Stat.,
c. 285, s. 17,
subs. 12,
amended.

- (6) Subsection 12 of the said section 17 is amended by striking out all the words after the word "to" where it occurs the second time in the fifth line and inserting in lieu thereof the words "be retained under subsection 10", so that the said subsection shall now read as follows:

Money,
application
of.

- (12) All money realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other money, and shall be by him deposited to the credit of the park fund, and shall be paid out by him on the orders of the board;

save as to the amount required to be retained under subsection 10.

3. Sections 19 and 20 of *The Public Parks Act* are repealed. Rev. Stat.,
c. 285,
ss. 19, 20,
repealed.

4. This Act may be cited as *The Public Parks Amendment Act, 1947*. Short title.

An Act to amend The Public Parks Act.

1st Reading

March 12th, 1946

2nd Reading

March 14th, 1947

3rd Reading

March 21st, 1947

MR. DUNBAR

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Statute Labour Act.

MR. DOUCETT

EXPLANATORY NOTES

One of the forms now prescribed in *The Statute Labour Act* is not suitable where statute labour is commuted and a new form is accordingly prescribed, the necessary complementary amendment being made in the Act.

BILL

An Act to amend The Statute Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 30c of *The Statute Labour Act*,^{Rev. Stat., c. 274, s. 30c,} as enacted by section 12 of *The Statute Labour Amendment Act, 1945*,^{subs. 1 (1945,} is amended by inserting after the word, figure and symbols "(Form 4)" in the second line the words "or, where a resolution has been passed and sanctioned as provided by section 27, to pay the commutation thereof (Form 4A)",^{c. 23, s. 12), amended.} so that the said subsection shall now read as follows:

- (1) The secretary-treasurer shall serve each notice to perform statute labour (Form 4) or, where a resolution has been passed and sanctioned as provided by section 27, to pay the commutation thereof (Form 4A) personally or by leaving it at the usual place of abode of the person to whom it is directed with a grown-up person residing there or sending it by registered post addressed to the person to whom it is directed at the post office nearest to his last known place of residence.^{Notice to perform statute labour.}

2. *The Statute Labour Act* is amended by adding thereto the following form:^{Rev. Stat., c. 274, amended.}

FORM 4A

(Section 30c (1))

NOTICE TO PAY THE COMMUTATION OF
STATUTE LABOUR

To.....

TAKE NOTICE that you are hereby required to pay to the undersigned the amount of \$..... being the commutation of.....days statute labour at \$..... per day for which you are liable on (*describe the lot or parcel of land*) within six days from the date of this notice.

Should you fail to pay this amount proceedings will be taken to collect it together with interest at ten per centum per annum. You will also be liable to a penalty recoverable under *The Summary Convictions Act*.

DATED at.....this.....day of

....., 19.....

.....
Secretary-Treasurer.

Road Commissioners of the Township of.....

Address.....

Short title.

3. This Act may be cited as *The Statute Labour Amendment Act, 1947*.

1st Reading

March 13th, 1947

2nd Reading

3rd Reading

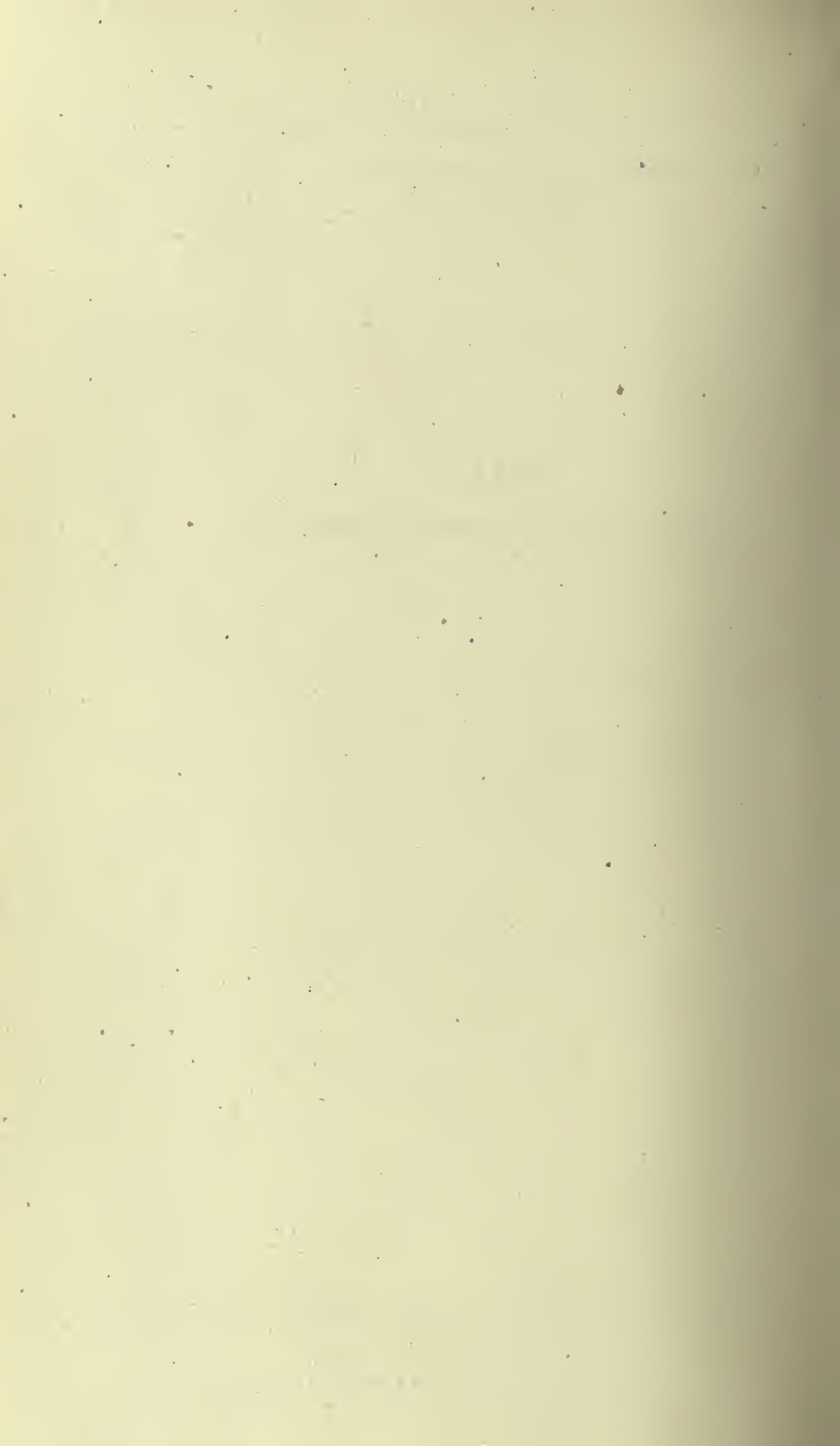
MR. DOUCETT

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An³Act to amend The Statute Labour Act.

MR. DOUCETT



BILL

An Act to amend The Statute Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 30c of *The Statute Labour Act*, Rev. Stat., c. 274, s. 30c, as enacted by section 12 of *The Statute Labour Amendment Act, 1945*, subs. 1 (1945, c. 23, s. 12), amended. is amended by inserting after the word, figure and symbols "(Form 4)" in the second line the words "or, where a resolution has been passed and sanctioned as provided by section 27, to pay the commutation thereof (Form 4A)", so that the said subsection shall now read as follows:

- (1) The secretary-treasurer shall serve each notice to perform statute labour (Form 4) or, where a resolution has been passed and sanctioned as provided by section 27, to pay the commutation thereof (Form 4A) personally or by leaving it at the usual place of abode of the person to whom it is directed with a grown-up person residing there or sending it by registered post addressed to the person to whom it is directed at the post office nearest to his last known place of residence. Notice to perform statute labour.

2. *The Statute Labour Act* is amended by adding thereto the following form: Rev. Stat., c. 274, amended.

FORM 4A

(Section 30c (1))

NOTICE TO PAY THE COMMUTATION OF
STATUTE LABOUR

To.....

TAKE NOTICE that you are hereby required to pay to the undersigned the amount of \$..... being the commutation of.....days statute labour at \$..... per day for which you are liable on (*describe the lot or parcel of land*) within six days from the date of this notice.

Should you fail to pay this amount proceedings will be taken to collect it together with interest at ten per centum per annum. You will also be liable to a penalty recoverable under *The Summary Convictions Act*.

DATED at.....this.....day of

....., 19.....

.....
Secretary-Treasurer.

Road Commissioners of the Township of.....

Address.....

Short title.

3. This Act may be cited as *The Statute Labour Amendment Act, 1947*.

An Act to amend The Statute Labour Act.

1st Reading

March 13th, 1947

2nd Reading

March 14th, 1947

3rd Reading

March 21st, 1947

MR. DOUCETT

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Mining Act.

MR. FROST

EXPLANATORY NOTE

SECTION 1. The words struck out are obsolete.

SECTION 2. While it has been the practice to allow ten days' grace each year for renewing licenses, such extension does not protect the licensee against adverse interests and in order to prevent adverse interests from appearing it is deemed advisable to discontinue allowing any period of grace.

SECTION 3. Complementary to section 4.

SECTION 4. Proxy stakings are discontinued as the same end may be accomplished through transfer at less cost.

SECTION 5. Complementary to section 4.

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Mining Act* is amended by striking out all the words after the word "Act" in the second line, so that the said section shall now read as follows:

Rev. Stat.,
c. 47, s. 3,
amended.

3. The Lieutenant-Governor in Council may by regulation prescribe the forms to be used under this Act.

Rev. Stat.,
c. 47, s. 29,
subs. 5
(1939,
c. 27, s. 1),
repealed.

2. Subsection 5 of section 29 of *The Mining Act*, as enacted by section 1 of *The Mining Amendment Act, 1939*, is repealed.

3. Section 37 of *The Mining Act* as amended by section 1 of *The Mining Amendment Act, 1945*, is further amended by striking out the words "for himself or on behalf of any other licensee" in the first line, so that the said section shall now read as follows:

Rev. Stat.
c. 47, s. 37,
amended.

37. A licensee may stake out a mining claim on any land open for prospecting and, subject to the other provisions of this Act, may work such claim and transfer his interest therein to another licensee; but where the surface rights in the land have been granted sold, leased or located by the Crown, compensation must be made as provided by section 93.

When claim
may be
staked.

4. Subsection 2 of section 53 of *The Mining Act*, as enacted by section 4 of *The Mining Amendment Act, 1939*, is repealed.

Rev. Stat.
c. 47, s. 53
subs. 2
(1939, c. 27,
s. 4), re-
pealed.

5. Clauses *b* and *c* of subsection 1 of section 54 of *The Mining Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 54,
subs. 1,
cls. *b*, *c*,
re-enacted.

(*b*) writing or placing on No. 1 post the name of the licensee staking out the claim, the letter and number of his license, the date and hour of staking out and,

if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;

- (c) writing or placing on No. 2, No. 3 and No. 4 posts the name of the licensee staking out the claim.

Rev. Stat.,
c. 47, s. 57,
subs. 1,
re-enacted.

6.—(1) Subsection 1 of section 57 of *The Mining Act* is repealed and the following substituted therefor:

Plan and
application
to be
furnished
to recorder.

- (1) A licensee who has staked out a mining claim shall furnish the recorder with,—

(a) a sketch or plan of the mining claim showing the corner posts and the witness posts, if any, and the distance between the posts in feet;

(b) an application in the prescribed form setting forth,

(i) in the case of unsurveyed territory, its locality by such general description and other information as will enable the recorder to indicate the claim on his office map,

(ii) in the case of a surveyed township, the lot, quarter-section or subdivision of a section and the portion thereof comprising the claim,

(iii) the day and hour when the claim was staked out, and

(iv) the date of the application; and

(c) the prescribed fee.

Time for
compliance.

- (1a) A licensee shall comply with the provisions of subsection 1,—

(a) where the claim is situated in part of the territorial district of Kenora (Patricia portion), not included in the Red Lake or Kenora mining division, not later than sixty days from the date of staking; and

(b) in all other cases, not later than thirty days from the date of staking.

SECTION 6. Section 57 is amended so as to provide that in certain outlying districts staking shall be reported within sixty days and in all other cases thirty days. This eliminates the present practice of having periods varying all the way from fifteen days to sixty days. The section is broken into clauses and subclauses for clarification.

SECTION 7. Complementary to section 4.

SECTION 8. Subsection 4 of section 60 replaces that part of subsection 3 which permits the recorder or Judge to cancel a claim where anyone has been misled by failure to affix metal tags.

SECTION 9. Complementary to section 4.

SECTION 10. In the course of several amendments since the publication of R.S.O. 1937, section 78 has been substantially altered and extended in length. For convenience it is desirable to re-enact as two sections, 78 and 78a.

The subsections (of the re-enacted sections) which have been altered in the process are subsection 3 of section 78 and subsections 3, 4, 5 and 6 of section 78a.

(2) Subsection 5 of the said section 57 is repealed.

Rev. Stat.,
c. 47, s. 57,
subs. 5,
repealed.

7. Section 58 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 58,
re-enacted.

58. A licensee at the time of making application to record a mining claim shall produce his license to the recorder and the recorder shall endorse and sign upon the back of the license a note in writing of the record of the claim, and no such record shall be complete or effective until such endorsement is made unless upon application to or in any case coming before the Judge he deems it just that compliance with the requirements of this section should be waived.

Endorsement
by recorder.

8. Subsection 3 of section 60 of *The Mining Act*, as amended by section 3 of *The Mining Amendment Act, 1945*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 60,
subs. 3,
re-enacted.

(3) As soon as reasonably possible after the recording of the mining claim, and not later than six months thereafter, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters of the claim, and the recorder shall supply such numbered tags free of charge.

Tagging
claim posts
after
recording.

(4) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed within the prescribed time or such further time as may be authorized by the Judge under section 86, the recorder shall cancel the claim, and shall by registered letter mailed not later than the next day, notify the holder thereof of his action and the reason therefor.

Cancellation
of claim
where metal
tags not
affixed.

9. Section 65 of *The Mining Act* is repealed.

Rev. Stat.,
c. 47, s. 65,
repealed.

10. Section 78 of *The Mining Act*, as amended by section 9 of *The Mining Amendment Act, 1939*, section 2 of *The Mining Amendment Act, 1940*, section 1 of *The Mining Amendment Act, 1944*, section 5 of *The Mining Amendment Act, 1945*, and section 3 of *The Mining Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 78,
re-enacted.

78.—(1) The recorded holder of a mining claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines,

Working
conditions
on mining
claims.

sinking shafts or other actual mining operations to the extent of two hundred days' work of not less than eight hours per day, which work shall be performed as follows:

- (a) First period of at least forty days not later than one year immediately following the recording of the claim.
- (b) Second period of at least forty days not later than two years after date of recording.
- (c) Third period of at least forty days not later than three years after date of recording.
- (d) Fourth period of at least forty days not later than four years after date of recording.
- (e) Fifth period of at least forty days not later than five years after date of recording.

Work done within earlier period and allowance for excess.

- (2) The work may be completed in a less period of time than herein specified, and if more work is performed by or on behalf of the recorded holder than is herein required during the first year or in any subsequent year, the excess, upon proof of the same having been performed, shall be credited by the recorder upon the work required to be done during any subsequent year.

Report of holder upon work.

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by affidavit in the prescribed form, and the report shall show in detail,—

- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who performed the work; and
- (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log indicating the footages of the rock types encountered, and the angle and direction of the drill hole.

Certificate of performance.

- (4) The recorder, if satisfied that the prescribed work has

Subsection 3 of section 78 renders more stringent the requirements governing reports of work, with a view to preventing abuses.

been duly performed, may grant a certificate in the prescribed form, but he may first, if he deems proper, inspect or order the inspection of the work, or otherwise investigate the question of its sufficiency and such certificate, in the absence of fraud or mistake, shall be final and conclusive evidence of the due performance of the work therein certified, but where it has been issued in mistake or obtained by fraud the Judge shall have power to revoke and cancel it upon the application of the Crown or an officer of the Department or any person interested.

- (5) The decision of the Judge as to the due performance of work shall be final. Decision of Judge final.
 - (6) A licensee who is the holder of a group of not more than nine contiguous claims may perform or cause to be performed on one or more of such claims all the work required to be done on any of the other claims in the group, and the reports of work and affidavits to be filed by him in respect of such work shall indicate the claim or claims on which the work was performed and the claim or claims in respect of which it is to be applied. Work to be performed on claims.
 - (7) The construction of houses or roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section. Certain works not regarded.
 - (8) Work performed on a mining claim located in those parts of the territorial district of Kenora (Patricia portion), not included in the Red Lake or Kenora mining division, between the date of staking the claim and the date of recording the claim may be reported in the same manner as if it had been performed after the recording. Work done before recording.
- 78a.—(1) The survey of a mining claim made in pursuance of section 103 or 104, on the plan and field notes thereof being filed with the Mining Recorder within the prescribed time, shall count as forty days' work on the surveyed claim, except in respect of the work required by subsection 1 of section 78 to be done within one year immediately following the recording of the claim. Survey to count as work,
- (2) On receipt of an affidavit by an Ontario land surveyor that he has made a survey of a mining claim within the period during which any work is required by this Act to be done on such claim, except in respect of the work required by subsection 1 of before plans filed.

section 78 to be performed within one year immediately following the recording of the claim, and an undertaking of such surveyor that he will forward or cause to be forwarded to the recorder not later than two months after the close of the period for doing the work, plans and field notes of the survey, the recorder may enter upon the record of the claim forty days' work and he may cancel the entry in default of receipt of such plans and field notes within such period of two months.

Drilling,—
diamond or
other core
drill;

- (3) Boring by a diamond or other core drill shall count as work,—

- (a) where the core from the drill does not exceed $\frac{5}{8}$ of an inch in diameter, at the rate of one day's work for each two feet of boring; and
- (b) where the core from the drill exceeds $\frac{5}{8}$ of an inch in diameter, at the rate of one day's work for each foot of boring.

compressed
air; power
driven rock
drill.

- (4) Work done by a compressed air drill or other power driven rock drill of a type approved by the Minister shall count as work at the rate of two days' work in respect of each man necessarily employed in operating the drill for each day of his employment.

Geophysical
survey to
count as
work.

- (5) A geophysical survey, satisfactory to the Minister, of a mining claim may be recorded as work on such claim at the rate of four days' work in respect of each man necessarily employed in such survey for each day of such employment, not exceeding a total of forty days' work in respect of each claim, but credit for such work shall be cancelled by the recorder unless full reports and plans of the survey, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of such work.

Geological
survey to
count as
work.

- (6) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on such claim at the rate of four days' work in respect of each man necessarily employed in such survey for each day of such employment, not exceeding a total of forty days' work in respect of each claim, but credit for the work shall be cancelled by the recorder unless full reports and plans of the survey, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of such work.

Subsection 3 of section 78a now takes into account the diameter of the drill and subsection 4 brings the credit given into line with modern conditions.

Subsection 5 places assessment work credit for a geophysical survey on a man-day basis and subsection 6 provides for the giving of credit for a geological survey on a similar basis. Care is taken to require such surveys to be satisfactory to the Minister.

SECTION 11. The period for which a recorder may extend the time on account of illness or litigation is increased from three to six months.

SECTION 12. This amendment is made necessary by reason of the re-numbering of the subsections of section 78 which is re-enacted by section 10 of this Bill.

SECTION 13. Complementary to section 8.

- (7) The actual cost of stripping by power driven mechanical equipment or equipment other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$5 so spent not exceeding one hundred days' work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister within thirty days of the recording of such work. Power stripping.

11. Subsection 1 of section 80 of *The Mining Act*, as enacted by section 10 of *The Mining Amendment Act, 1939*, and amended by subsection 1 of section 2 of *The Mining Amendment Act, 1944*, is further amended by striking out the word "three" in the fifth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 80, subs. 1 (1939, c. 27, s. 10), amended.

- (1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed or the money required for patent or lease is not paid within the prescribed time, the recorder may extend the time for the performance of such work or the payment of such money for periods not exceeding six months. Extension of time for work.

12. Clause *d* of subsection 1 of section 85 of *The Mining Act* is amended by striking out the word and figure "subsection 4" in the first line and inserting in lieu thereof the word and figure "subsection 3". Rev. Stat., c. 47, s. 85, subs. 1, cl. d, amended.

13.—(1) Subsection 1 of section 86 of *The Mining Act*, as amended by subsection 1 of section 3 of *The Mining Amendment Act, 1944*, is further amended by inserting after the word "under" in the second line the words and figures "subsection 4 of section 60 or", so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 86, subs. 1, amended.

- (1) Where forfeiture or loss of rights has occurred under subsection 4 of section 60 or section 85, the Judge may, upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revert in the person so relieved, but as a term of such order in the case mentioned in clause *a* of subsection 1 of section 85, the holder of the claim shall obtain a special renewal license, which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in Relief against forfeiture.

clause *d* of the said subsection the holder shall file a proper report and pay therewith a special fee of \$3.

Rev. Stat.,
c. 47, s. 86,
subs. 3,
re-enacted.

(2) Subsection 3 of the said section 86 is repealed and the following substituted therefor:

Extension
of time for
performance
of work or
payment of
money.

(3) On application to him by an interested holder not earlier than thirty days prior to the time forfeiture or loss of rights would occur, as provided in subsection 4 of section 60 or section 85, the Judge may extend the time for,—

(a) affixing the metal tags to the corner posts of the claim;

(b) performing any work required to be performed;
or

(c) paying the money required for patent or lease.

Rev. Stat.,
c. 47, s. 87,
amended.

14. Section 87 of *The Mining Act* is amended by inserting after the word “under” in the fifth line the words and figures “subsection 4 of section 60 or”, so that the said section shall read as follows:

Relief
against
forfeiture by
Lieutenant-
Governor
in Council.

87. The Lieutenant-Governor in Council, upon the recommendation of the Minister and the report of the Judge, may upon such terms, if any, as to compensation in respect of any intervening right or otherwise as he may deem just, relieve against any forfeiture or loss of rights under subsection 4 of section 60 or section 85 which he deems to be a hardship and revest the forfeited right or interest in the person who would but for the forfeiture have been entitled thereto.

Rev. Stat.,
c. 47, s. 107,
subs. 1,
cls. a, b,
re-enacted.

15. Clauses *a* and *b* of subsection 1 of section 107 of *The Mining Act* are repealed and the following substituted therefor:

Staking out.

(a) staking out such area by planting or erecting a post at each corner thereof in the manner and with the numbering provided by section 54, and writing or placing upon each post,

(i) the words “Boring Permit applied for”,

(ii) his name and the letter and number of his license,

(iii) the date of the staking out, and

SECTION 14. Complementary to section 8.

SECTION 15. Complementary to section 4.

SECTION 16. There is no departure in principle from the present provision but procedure is simplified.

SECTION 17—Subsection 1. Complementary to section 4.

Subsection 2. Complementary to section 13.

Subsection 3. The filing fee upon an application to record a claim is reduced from \$10 to \$5.

- (iv) a statement of the area to be included in the application;
- (b) furnishing the recorder with an application in duplicate verified by affidavit in the prescribed form, Application to recorder.
- (i) where the area staked out is situated in any part of the territorial district of Kenora (Patricia portion), not included in the Red Lake or Kenora mining division, or in any territorial district not included in a mining division, within sixty days from the date of staking out, and
- (ii) in all other cases within thirty days from the date of staking out.

16.—(1) Subsection 2 of section 182 of *The Mining Act*, Rev. Stat., c. 47, s. 182, as re-enacted by section 28 of *The Mining Amendment Act, 1939*, subs. 2 (1939), and amended by section 3 of *The Mining Amendment Act, 1943*, c. 27, s. 28), re-enacted. is repealed and the following substituted therefor:

- (2) Notwithstanding anything in this Act contained, in special circumstances the Minister may, subject to the approval of the Lieutenant-Governor in Council, Minister may issue license, lease or patent. issue a license of occupation, lease or patent of any mining lands or mining rights on such terms and conditions as he may deem expedient.

(2) All licenses of occupation, patents and leases issued or purporting to be issued under subsection 2 of section 182 of *The Mining Act* prior to the coming into force of this Act, Confirmation of licenses, leases and patents issued under s. 182, subs. 2. are ratified and confirmed.

17.—(1) Item 9 of Schedule A to *The Mining Act* is repealed. Rev. Stat., c. 47, Sched. A, item 9, repealed.

(2) Item 22 of the said Schedule A is amended by inserting after the word "conditions" in the first and second lines the words "affixing metal tags", and by striking out the figures "80" in the third line, so that the said item shall now read as follows: Rev. Stat., c. 47, Sched. A, item 22, amended.

22. For recording extension of time for performing working conditions, affixing metal tags or making application and payment for patent or lease, per claim (see sections 86, 184)..... 3.00

(3) Item 31 of the said Schedule A is repealed and the following substituted therefor: Rev. Stat., c. 47, Sched. A, item 31, re-enacted.

31. For filing an application for a mining claim
under section 60..... 5.00

1943,
c. 14, s. 4,
repealed.

18. Section 4 of *The Mining Amendment Act, 1943*, is
repealed.

Short title.

19. This Act may be cited as *The Mining Amendment
Act, 1947*.

SECTION 18. A special wartime provision providing for the free recording of extensions of time for performing work is now spent and is accordingly repealed.

An Act to amend The Mining Act.

1st Reading

March 17th, 1947

2nd Reading

3rd Reading

MR. FROST

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Mining Act.

MR. FROST

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Mining Act* is amended by striking out all the words after the word "Act" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 47, s. 29, amended.

3. The Lieutenant-Governor in Council may by regulation prescribe the forms to be used under this Act. Forms.

2. Subsection 5 of section 29 of *The Mining Act*, as enacted by section 1 of *The Mining Amendment Act, 1939*, is repealed. Rev. Stat., c. 47, s. 29, subs. 5 (1939), repealed.

3. Section 37 of *The Mining Act* as amended by section 1 of *The Mining Amendment Act, 1945*, is further amended by striking out the words "for himself or on behalf of any other licensee" in the first line, so that the said section shall now read as follows: Rev. Stat., c. 47, s. 37, amended.

37. A licensee may stake out a mining claim on any land open for prospecting and, subject to the other provisions of this Act, may work such claim and transfer his interest therein to another licensee; but where the surface rights in the land have been granted sold, leased or located by the Crown, compensation must be made as provided by section 93. When claim may be staked.

4. Subsection 2 of section 53 of *The Mining Act*, as enacted by section 4 of *The Mining Amendment Act, 1939*, is repealed. Rev. Stat., c. 47, s. 53, subs. 2 (1939, c. 27, s. 4), repealed.

5. Clauses *b* and *c* of subsection 1 of section 54 of *The Mining Act* are repealed and the following substituted therefor: Rev. Stat., c. 47, s. 54, subs. 1, cls. b, c, re-enacted.

(b) writing or placing on No. 1 post the name of the licensee staking out the claim, the letter and number of his license, the date and hour of staking out and,

if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;

- (c) writing or placing on No. 2, No. 3 and No. 4 posts the name of the licensee staking out the claim.

Rev. Stat.,
c. 47, s. 57,
subs. 1,
re-enacted.

6.—(1) Subsection 1 of section 57 of *The Mining Act* is repealed and the following substituted therefor:

Plan and
application
to be
furnished
to recorder.

- (1) A licensee who has staked out a mining claim shall furnish the recorder with,—

- (a) a sketch or plan of the mining claim showing the corner posts and the witness posts, if any, and the distance between the posts in feet;
- (b) an application in the prescribed form setting forth,
 - (i) in the case of unsurveyed territory, its locality by such general description and other information as will enable the recorder to indicate the claim on his office map,
 - (ii) in the case of a surveyed township, the lot, quarter-section or subdivision of a section and the portion thereof comprising the claim,
 - (iii) the day and hour when the claim was staked out, and
 - (iv) the date of the application; and
- (c) the prescribed fee.

Time for
compliance.

- (1a) A licensee shall comply with the provisions of subsection 1,—

- (a) where the claim is situated in part of the territorial district of Kenora (Patricia portion), not included in the Red Lake or Kenora mining division, not later than sixty days from the date of staking; and
- (b) in all other cases, not later than thirty days from the date of staking.

(2) Subsection 5 of the said section 57 is repealed.

Rev. Stat.,
c. 47, s. 57,
subs. 5,
repealed.

7. Section 58 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 58,
re-enacted.

58. A licensee at the time of making application to record a mining claim shall produce his license to the recorder and the recorder shall endorse and sign upon the back of the license a note in writing of the record of the claim, and no such record shall be complete or effective until such endorsement is made unless upon application to or in any case coming before the Judge he deems it just that compliance with the requirements of this section should be waived.

Endorsement
by recorder.

8. Subsection 3 of section 60 of *The Mining Act*, as amended by section 3 of *The Mining Amendment Act, 1945*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 60,
subs. 3,
re-enacted.

(3) As soon as reasonably possible after the recording of the mining claim, and not later than six months thereafter, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters of the claim, and the recorder shall supply such numbered tags free of charge.

Tagging
claim posts
after
recording.

(4) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed within the prescribed time or such further time as may be authorized by the Judge under section 86, the recorder shall cancel the claim, and shall by registered letter mailed not later than the next day, notify the holder thereof of his action and the reason therefor.

Cancellation
of claim
where metal
tags not
affixed.

9. Section 65 of *The Mining Act* is repealed.

Rev. Stat.,
c. 47, s. 65,
repealed.

10. Section 78 of *The Mining Act*, as amended by section 9 of *The Mining Amendment Act, 1939*, section 2 of *The Mining Amendment Act, 1940*, section 1 of *The Mining Amendment Act, 1944*, section 5 of *The Mining Amendment Act, 1945*, and section 3 of *The Mining Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 78,
re-enacted.

78.—(1) The recorded holder of a mining claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines,

Working
conditions
on mining
claims.

sinking shafts or other actual mining operations to the extent of two hundred days' work of not less than eight hours per day, which work shall be performed as follows:

- (a) First period of at least forty days not later than one year immediately following the recording of the claim.
- (b) Second period of at least forty days not later than two years after date of recording.
- (c) Third period of at least forty days not later than three years after date of recording.
- (d) Fourth period of at least forty days not later than four years after date of recording.
- (e) Fifth period of at least forty days not later than five years after date of recording.

Work done
within earlier
period and
allowance
for excess.

- (2) The work may be completed in a less period of time than herein specified, and if more work is performed by or on behalf of the recorded holder than is herein required during the first year or in any subsequent year, the excess, upon proof of the same having been performed, shall be credited by the recorder upon the work required to be done during any subsequent year.

Report of
holder upon
work.

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by affidavit in the prescribed form, and the report shall show in detail,—

- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who performed the work; and
- (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log indicating the footages of the rock types encountered, and the angle and direction of the drill hole.

Certificate
of per-
formance.

- (4) The recorder, if satisfied that the prescribed work has

been duly performed, may grant a certificate in the prescribed form, but he may first, if he deems proper, inspect or order the inspection of the work, or otherwise investigate the question of its sufficiency and such certificate, in the absence of fraud or mistake, shall be final and conclusive evidence of the due performance of the work therein certified, but where it has been issued in mistake or obtained by fraud the Judge shall have power to revoke and cancel it upon the application of the Crown or an officer of the Department or any person interested.

- (5) The decision of the Judge as to the due performance of work shall be final. Decision of Judge final.
 - (6) A licensee who is the holder of a group of not more than nine contiguous claims may perform or cause to be performed on one or more of such claims all the work required to be done on any of the other claims in the group, and the reports of work and affidavits to be filed by him in respect of such work shall indicate the claim or claims on which the work was performed and the claim or claims in respect of which it is to be applied. Work to be performed on claims.
 - (7) The construction of houses or roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section. Certain works not regarded.
 - (8) Work performed on a mining claim located in those parts of the territorial district of Kenora (Patricia portion), not included in the Red Lake or Kenora mining division, between the date of staking the claim and the date of recording the claim may be reported in the same manner as if it had been performed after the recording. Work done before recording.
- 78a.—(1) The survey of a mining claim made in pursuance of section 103 or 104, on the plan and field notes thereof being filed with the Mining Recorder within the prescribed time, shall count as forty days' work on the surveyed claim, except in respect of the work required by subsection 1 of section 78 to be done within one year immediately following the recording of the claim. Survey to count as work.
- (2) On receipt of an affidavit by an Ontario land surveyor that he has made a survey of a mining claim within the period during which any work is required by this Act to be done on such claim, except in respect of the work required by subsection 1 of before plans filed.

section 78 to be performed within one year immediately following the recording of the claim, and an undertaking of such surveyor that he will forward or cause to be forwarded to the recorder not later than two months after the close of the period for doing the work, plans and field notes of the survey, the recorder may enter upon the record of the claim forty days' work and he may cancel the entry in default of receipt of such plans and field notes within such period of two months.

Drilling,—
diamond or
other core
drill;

- (3) Boring by a diamond or other core drill shall count as work,—

(a) where the core from the drill does not exceed $\frac{5}{8}$ of an inch in diameter, at the rate of one day's work for each two feet of boring; and

(b) where the core from the drill exceeds $\frac{5}{8}$ of an inch in diameter, at the rate of one day's work for each foot of boring.

compressed
air; power
driven rock
drill.

- (4) Work done by a compressed air drill or other power driven rock drill of a type approved by the Minister shall count as work at the rate of two days' work in respect of each man necessarily employed in operating the drill for each day of his employment.

Geophysical
survey to
count as
work.

- (5) A geophysical survey, satisfactory to the Minister, of a mining claim may be recorded as work on such claim at the rate of four days' work in respect of each man necessarily employed in such survey for each day of such employment, not exceeding a total of forty days' work in respect of each claim, but credit for such work shall be cancelled by the recorder unless full reports and plans of the survey, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of such work.

Geological
survey to
count as
work.

- (6) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on such claim at the rate of four days' work in respect of each man necessarily employed in such survey for each day of such employment, not exceeding a total of forty days' work in respect of each claim, but credit for the work shall be cancelled by the recorder unless full reports and plans of the survey, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of such work.

- (7) The actual cost of stripping by power driven mechanical equipment or equipment other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$5 so spent not exceeding one hundred days' work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister within thirty days of the recording of such work. Power stripping.

11. Subsection 1 of section 80 of *The Mining Act*, as re-enacted by section 10 of *The Mining Amendment Act, 1939*, and amended by subsection 1. of section 2 of *The Mining Amendment Act, 1944*, is further amended by striking out the word "three" in the fifth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 80, subs. 1 (1939, c. 27, s. 10), amended.

- (1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed or the money required for patent or lease is not paid within the prescribed time, the recorder may extend the time for the performance of such work or the payment of such money for periods not exceeding six months. Extension of time for work.

12. Clause *d* of subsection 1 of section 85 of *The Mining Act* is amended by striking out the word and figure "subsection 4" in the first line and inserting in lieu thereof the word and figure "subsection 3". Rev. Stat., c. 47, s. 85, subs. 1, cl. d, amended.

13.—(1) Subsection 1 of section 86 of *The Mining Act*, as amended by subsection 1 of section 3 of *The Mining Amendment Act, 1944*, is further amended by inserting after the word "under" in the second line the words and figures "subsection 4 of section 60 or", so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 86, subs. 1, amended.

- (1) Where forfeiture or loss of rights has occurred under subsection 4 of section 60 or section 85, the Judge may, upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revert in the person so relieved, but as a term of such order in the case mentioned in clause *a* of subsection 1 of section 85, the holder of the claim shall obtain a special renewal license, which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in Relief against forfeiture.

clause *d* of the said subsection the holder shall file a proper report and pay therewith a special fee of \$3.

Rev. Stat.,
c. 47, s. 86,
subs. 3,
re-enacted.

(2) Subsection 3 of the said section 86 is repealed and the following substituted therefor:

Extension
of time for
performance
of work or
payment of
money.

(3) On application to him by an interested holder not earlier than thirty days prior to the time forfeiture or loss of rights would occur, as provided in subsection 4 of section 60 or section 85, the Judge may extend the time for,—

(a) affixing the metal tags to the corner posts of the claim;

(b) performing any work required to be performed;
or

(c) paying the money required for patent or lease.

Rev. Stat.,
c. 47, s. 87,
amended.

14. Section 87 of *The Mining Act* is amended by inserting after the word "under" in the fifth line the words and figures "subsection 4 of section 60 or", so that the said section shall read as follows:

Relief
against
forfeiture by
Lieutenant-
Governor
in Council.

87. The Lieutenant-Governor in Council, upon the recommendation of the Minister and the report of the Judge, may upon such terms, if any, as to compensation in respect of any intervening right or otherwise as he may deem just, relieve against any forfeiture or loss of rights under subsection 4 of section 60 or section 85 which he deems to be a hardship and revert the forfeited right or interest in the person who would but for the forfeiture have been entitled thereto.

Rev. Stat.,
c. 47, s. 107,
subs. 1,
cls. a, b,
re-enacted.

15. Clauses *a* and *b* of subsection 1 of section 107 of *The Mining Act* are repealed and the following substituted therefor:

Staking out.

(a) staking out such area by planting or erecting a post at each corner thereof in the manner and with the numbering provided by section 54, and writing or placing upon each post,

(i) the words "Boring Permit applied for",

(ii) his name and the letter and number of his license,

(iii) the date of the staking out, and

- (iv) a statement of the area to be included in the application;
- (b) **furnishing** the recorder with an application in duplicate verified by affidavit in the prescribed form, Application to recorder.
- (i) where the area staked out is situated in any part of the territorial district of Kenora (Patricia portion), not included in the Red Lake or Kenora mining division, or in any territorial district not included in a mining division, within sixty days from the date of staking out, and
- (ii) in all other cases within thirty days from the date of staking out.

16.—(1) Subsection 2 of section 182 of *The Mining Act*, Rev. Stat., c. 47, s. 182, as re-enacted by section 28 of *The Mining Amendment Act*, 1939, and amended by section 3 of *The Mining Amendment Act*, 1943, is repealed and the following substituted therefor:

- (2) Notwithstanding anything in this Act contained, in special circumstances the Minister may, subject to the approval of the Lieutenant-Governor in Council, issue a license of occupation, lease or patent of any mining lands or mining rights on such terms and conditions as he may deem expedient. Minister may issue license, lease or patent.

(2) All licenses of occupation, patents and leases issued or purporting to be issued under subsection 2 of section 182 of *The Mining Act* prior to the coming into force of this Act, are ratified and confirmed. Confirmation of licenses, leases and patents issued under s. 182, subs. 2.

17.—(1) Item 9 of Schedule A to *The Mining Act* is repealed. Rev. Stat., c. 47, Sched. A, item 9, repealed.

(2) Item 22 of the said Schedule A is amended by inserting after the word "conditions" in the first and second lines the words "affixing metal tags", and by striking out the figures "80" in the third line, so that the said item shall now read as follows: Rev. Stat., c. 47, Sched. A, item 22, amended.

22. For recording extension of time for performing working conditions, affixing metal tags or making application and payment for patent or lease, per claim (see sections 86, 184)..... 3.00

(3) Item 31 of the said Schedule A is repealed and the following substituted therefor: Rev. Stat., c. 47, Sched. A, item 31, re-enacted.

31. For filing an application for a mining claim
under section 60..... 5.00

1943,
C. 14, S. 4,
repealed.

- 18.** Section 4 of *The Mining Amendment Act, 1943*, is
repealed.

Short title.

- 19.** This Act may be cited as *The Mining Amendment
Act, 1947*.

An Act to amend The Mining Act.

1st Reading

March 17th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. FROST

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Well Drillers Act.

MR. FROST

EXPLANATORY NOTES

The amendments contained in sections 1 to 4 and 6 of this Bill ensure that the Act covers the drilling and digging of wells in addition to boring. These provisions are required in connection with a proposed ground water survey. The regulations under the Act are now to be subject to the approval of the Lieutenant-Governor in Council. A penalty is provided for violation of the provisions of section 4.

BILL

An Act to amend The Well Drillers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Well Drillers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 50, s. 1,
cl. *f*,
re-enacted.

(*f*) "Well" shall mean a well bored, drilled or dug for oil, "Well".
natural gas or water,

2. Subsection 1 of section 2 of *The Well Drillers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 50, s. 2,
subs. 1,
re-enacted.

(1) Subject to the approval of the Lieutenant-Governor in Council the Minister may make regulations,—

- (*a*) requiring dry and abandoned wells to be plugged and protected;
- (*b*) prescribing the method and requirements to be observed in plugging and protecting any well;
- (*c*) respecting the method of boring, drilling and digging wells, and the protection of wells during boring, drilling and digging operations;
- (*d*) providing for the issue of licenses to persons boring or drilling wells, and the renewal, suspension or cancellation thereof;
- (*e*) prescribing the fees to be paid for licenses and renewals thereof; and
- (*f*) requiring every person boring, drilling, digging or plugging a well to furnish reports, returns, geological and other information and specimens, and prescribing the reports, returns, information and specimens to be furnished,

Rev. Stat.,
c. 50, s. 3,
amended.

3. Section 3 of *The Well Drillers Act* is amended by inserting after the word "boring" in the second line the words "drilling, digging", so that the said section shall now read as follows:

Directions
of Minister
as to boring,
etc.

3. The Minister may at all times give such directions in writing as he may deem necessary respecting the boring, drilling, digging, protecting, plugging and closing of any well.

Rev. Stat.,
c. 50, s. 4,
re-enacted.

4. Section 4 of *The Well Drillers Act* is repealed and the following substituted therefor:

License re-
quired to
bore or
drill wells.

4.—(1) No person shall bore or drill or undertake to bore or drill a well unless he is the holder of a license from the Minister so to do.

Penalty.

(2) Every person who violates the provisions of subsection 1 shall be guilty of an offence and liable to a penalty of not less than \$10 nor more than \$100.

Rev. Stat.,
c. 50, s. 14,
subs. 1,
amended.

5. Subsection 1 of section 14 of *The Well Drillers Act* is amended by striking out the word "inspectors" in the seventh line and inserting in lieu thereof the word "inspections", so that the said subsection shall now read as follows:

Right of
inspector
to engage
agents and
employees.

(1) The inspector shall have authority to engage such agents or employees as he may deem necessary from time to time to carry out the requirements of this Act, and shall also be empowered from time to time and at all times by himself, his servants or employees to enter upon any land or property upon which any wells are being or have been drilled and to make such examinations, inspections, repairs and inquiries as may be necessary for carrying into effect the provisions of this Act.

Rev. Stat.,
c. 50,
amended.

6. *The Well Drillers Act* is amended by adding thereto the following section:

Recovery of
penalties.

15a. The penalties imposed by subsection 2 of section 4 and subsection 1 of section 15 shall be recoverable under the provisions of *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Well Drillers Amendment Act, 1947*.

Section 5 of the Bill corrects an obvious typographical error.

An Act to amend The Well Drillers Act.

1st Reading

March 17th, 1947

2nd Reading

3rd Reading

MR. FROST

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Well Drillers Act.

MR. FROST

BILL

An Act to amend The Well Drillers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Well Drillers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 50, s. 1,
cl. *f*,
re-enacted.

(*f*) "Well" shall mean a well bored, drilled or dug for oil, "Well".
natural gas or water.

2. Subsection 1 of section 2 of *The Well Drillers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 50, s. 2,
subs. 1,
re-enacted.

(1) Subject to the approval of the Lieutenant-Governor in Council the Minister may make regulations,—

Regulations.

(*a*) requiring dry and abandoned wells to be plugged and protected;

(*b*) prescribing the method and requirements to be observed in plugging and protecting any well;

(*c*) respecting the method of boring, drilling and digging wells, and the protection of wells during boring, drilling and digging operations;

(*d*) providing for the issue of licenses to persons boring or drilling wells, and the renewal, suspension or cancellation thereof;

(*e*) prescribing the fees to be paid for licenses and renewals thereof; and

(*f*) requiring every person boring, drilling, digging or plugging a well to furnish reports, returns, geological and other information and specimens, and prescribing the reports, returns, information and specimens to be furnished.

Rev. Stat.,
c. 50, s. 3,
amended.

3. Section 3 of *The Well Drillers Act* is amended by inserting after the word "boring" in the second line the words "drilling, digging", so that the said section shall now read as follows:

Directions
of Minister
as to boring,
etc.

3. The Minister may at all times give such directions in writing as he may deem necessary respecting the boring, drilling, digging, protecting, plugging and closing of any well.

Rev. Stat.,
c. 50, s. 4,
re-enacted.

4. Section 4 of *The Well Drillers Act* is repealed and the following substituted therefor:

License re-
quired to
bore or
drill wells.

4.—(1) No person shall bore or drill or undertake to bore or drill a well unless he is the holder of a license from the Minister so to do.

Penalty.

(2) Every person who violates the provisions of subsection 1 shall be guilty of an offence and liable to a penalty of not less than \$10 nor more than \$100.

Rev. Stat.,
c. 50, s. 14,
subs. 1,
amended.

5. Subsection 1 of section 14 of *The Well Drillers Act* is amended by striking out the word "inspectors" in the seventh line and inserting in lieu thereof the word "inspections", so that the said subsection shall now read as follows:

Right of
inspector
to engage
agents and
employees.

(1) The inspector shall have authority to engage such agents or employees as he may deem necessary from time to time to carry out the requirements of this Act, and shall also be empowered from time to time and at all times by himself, his servants or employees to enter upon any land or property upon which any wells are being or have been drilled and to make such examinations, inspections, repairs and inquiries as may be necessary for carrying into effect the provisions of this Act.

Rev. Stat.,
c. 50,
amended.

6. *The Well Drillers Act* is amended by adding thereto the following section:

Recovery of
penalties.

15a. The penalties imposed by subsection 2 of section 4 and subsection 1 of section 15 shall be recoverable under the provisions of *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Well Drillers Amendment Act, 1947*.

An Act to amend The Well Drillers Act.

1st Reading

March 17th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 31st, 1947

MR. FROST

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Sugar Beet Subsidy Act, 1947.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY THE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The effect of this Bill is to extend the provisions of *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of *The Sugar Beet Subsidy Act, 1944*, until the 31st day of March, 1948.

No. 70

1947

BILL

The Sugar Beet Subsidy Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of 1943, c. 30, *The Sugar Beet Subsidy Act, 1943*, section 2 of *The Sugar Beet Subsidy Act, 1944*, *The Sugar Beet Subsidy Act, 1945*, or 1944, c. 60; *The Sugar Beet Subsidy Act, 1946*, all the other provisions of 1945 (2nd Sess.), *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of c. 15; 1946, c. 91. *The Sugar Beet Subsidy Act, 1944*, shall continue in force and have effect until the 31st day of March, 1948.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1947. Commencement of Act.

3. This Act may be cited as *The Sugar Beet Subsidy Act*, Short title. 1947.

The Sugar Beet Subsidy Act, 1947.

1st Reading

March 18th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Sugar Beet Subsidy Act, 1947.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
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No. 70

1947

BILL

The Sugar Beet Subsidy Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of ^{1943, c. 30,} *The Sugar Beet Subsidy Act, 1943*, section 2 of *The Sugar Beet* ^{continued} *Subsidy Act, 1944*, *The Sugar Beet Subsidy Act, 1945*, or ^{in force.} *1944, c. 60;* *The Sugar Beet Subsidy Act, 1946*, all the other provisions of ¹⁹⁴⁵ *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of ^{(2nd Sess.),} *The Sugar Beet Subsidy Act, 1944*, shall continue in force and ^{c. '15;} ^{1946, c. 91.} have effect until the 31st day of March, 1948.

2. This Act shall come into force on the day upon which it ^{Commence-} receives the Royal Assent and shall have effect on and after ^{ment of Act.} the 1st day of April, 1947.

3. This Act may be cited as *The Sugar Beet Subsidy Act*, ^{Short title.} 1947.

The Sugar Beet Subsidy Act, 1947.

1st Reading

March 18th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Workmen's Compensation Act.

MR. CARLIN

EXPLANATORY NOTES

SECTION 1. Eliminates the seven-day waiting period, before compensation can be paid.

SECTION 2. Increases the rate of compensation to 100% for a total disability, partial disability to be rated accordingly, and provides a formula so that if a workman has been employed only part-time prior to an accident, the compensation can be calculated on the basis of what his earnings would have been in full-time employment. Also provides compensation where a pre-existing condition is aggravated.

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Workmen's Compensation Act* is repealed. Rev. Stat.,
c. 204, s. 2,
subs. 1, cl. *a*,
repealed.

2. Sections 38, 39 and 40 of *The Workmen's Compensation Act*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1942*, are repealed and the following substituted therefor: Rev. Stat.,
c. 204, ss. 38,
39, 40
(1942,
c. 41, s. 2),
re-enacted.

38. Where temporary total disability results from the injury the compensation shall be a weekly payment equal to,— Compensation in case
of temporary
total disability.

(a) the hourly rate of earnings of the employee during the week of his employment immediately preceding the injury multiplied by the number of hours of work per week agreed upon for his job in a collective bargaining contract between the employer and his employees, or in the absence of such an agreement multiplied by the maximum number of hours of employment per week prescribed by subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act, 1944*; or

(b) the average weekly earnings of the workman during the previous twelve months if he has been so long employed by his employer, but if not, then for any less period during which he has been in the employ of his employer,

whichever sum is the greater, and shall be payable so long as the disability lasts.

Temporary
partial
disability.

39. Where temporary partial disability results from the injury, the compensation shall be the difference between the weekly payment provided for in section 38 and the average amount which the workman is earning or is able to earn in some suitable and available employment or business after the accident, and shall be payable so long as the disability lasts, and subsection 3 of section 40 shall apply.

Permanent
disability.

- 40.—(1) Where permanent disability results from the injury the Board shall award as compensation a weekly or other periodical payment equal to the difference between the weekly payment provided for in section 38 and the average amount which the workman is earning or is able to earn in some suitable and available employment or business after the accident.

Schedule of
earning
capacity.

- (2) The Board shall compile and publish a rating schedule of impairment of earning capacity for specified injuries or mutilations and the workman sustaining such injury or mutilation may elect to have his compensation payable under this section fixed in accordance with such rating schedule instead of under the provisions of subsection 1.

Payment of
lump sum.

- (3) Where, the impairment of the earning capacity of the workman does not exceed ten per centum of his earning capacity, instead of such weekly or other periodical payment the Board may direct that such lump sum as may be deemed to be the equivalent thereof shall be paid to the workman.

Pre-existing
condition.

- 41.—(1) Where a workman suffers any disability which is in part the result of an accident and in part the result of aggravation of a pre-existing condition, whether such aggravation is apparent at the time of the accident or becomes apparent at any time thereafter, the Board shall pay compensation to the workman in accordance with the actual degree of disability from which he suffers.

Assessment.

- (2) The Board shall estimate the degree of disability which is directly due to the accident and shall pay the amount of compensation payable for that degree of disability from the accident fund, and the remainder of the compensation from the special fund provided for in subsection 2 of section 101.

Rev. Stat.,
c. 204, s. 50,
amended.

3. Section 50 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

SECTION 3. Provides that any workmen who is exposed to silica dust must be given an annual X-ray examination, and where any degree of lung injury is discovered, the examination thereafter must be every two months.

SECTION 4. Provides added protection for victims of silicosis, by providing compensation where other disabling conditions develop.

- (13) Every workman who in the course of his employment is exposed to the danger of inhalation of silica dust shall be given an X-ray examination of his lungs at least once in each year of such employment, and where such examination reveals any degree of injury to a lung he shall be given such examination at least once in every two months thereafter, and the provisions of this section with respect to provision of medical aid shall apply *mutatis mutandis*.

4. Section 115 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 204, s. 115,
amended.

- (9a) Notwithstanding anything to the contrary contained in this Act, where any workman has been exposed to the danger of inhalation of silica dust and is found to have contracted any condition which could be attributed to silicosis and suffers any disability therefrom, such disability for purposes of compensation shall be deemed to be due to silicosis, and any chronic lung disease contracted by such workman at any time thereafter shall be deemed to be an industrial disease arising out of and in the course of his employment at the time such condition was contracted. When
disability
deemed due
to silicosis.

5. This Act may be cited as *The Workmen's Compensation Amendment Act, 1947 (No. 2)*. Short title

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 18th, 1947

2nd Reading

3rd Reading.

MR. CARLIN

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Public Utilities Act.

MR. DUNBAR

EXPLANATORY NOTE.

SECTION 1. The section amended provides for the acquisition, establishment, maintenance and operation, etc., of waterworks by cities, towns, villages and townships. Under the section as it is at present, any such project must be financed at the expense of the corporation at large. As amended, an area may be defined and the whole or part of the over-all cost of the waterworks and its operation may be assessed and levied on the rateable property in the area.

SECTION 2. The section amended provides for the composition, election, term of office, etc., of public utility commissions. The provisions of the added subsection are self-explanatory.

No. 72.

1947

BILL

An Act to amend The Public Utilities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Public Utilities Act* is amended by adding thereto the following subsection: Rev. Stat., c. 286, s. 2, amended.

- (4) The council of the corporation may define an area Areas. in the municipality and may assess and levy on the rateable property in the area the cost of the water-works including debenture charges, the cost of maintenance and management and the cost of the water, or any part thereof.

2. Section 37 of *The Public Utilities Act* is amended by adding thereto the following subsection: Rev. Stat., c. 286, s. 37, amended.

- (1a) When the commission functions in a defined area Areas. or areas, the members to be elected shall be elected by the electors of the area or areas, as the case may be.

3. This Act may be cited as *The Public Utilities Amendment Act, 1947.* Short title.

1st Reading

March 18th, 1947

2nd Reading

3rd Reading

MR. DUNBAR

No. 72

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Public Utilities Act.

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
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BILL

An Act to amend The Public Utilities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Public Utilities Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 286, s. 2,
amended.

- (4) The council of the corporation may define an area Areas. in the municipality and may assess and levy on the rateable property in the area the cost of the water-works including debenture charges, the cost of maintenance and management and the cost of the water, or any part thereof.

2. Section 37 of *The Public Utilities Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 286, s. 37,
amended.

- (1a) When the commission functions in a defined area Areas. or areas, the members to be elected shall be elected by the electors of the area or areas, as the case may be.

3. This Act may be cited as *The Public Utilities Amendment Act, 1947*. Short title.

An Act to amend The Public Utilities Act.

1st Reading

March 18th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. DUNBAR

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Homes for the Aged Act, 1947.

MR. GOODFELLOW

EXPLANATORY NOTES

The principal effects of this Bill are,—

- (a) to change the term "house of refuge" to "home for the aged";
and
- (b) to place provincial grants for capital expenditure on homes for the aged upon a percentage basis.

The Bill defines "Minister" in line with established practice under the Act and also complements other Department of Welfare legislation by eliminating the term "inspector" and replacing it with the term "supervisor".

BILL

The Homes for the Aged Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

(a) "Minister" shall mean Minister of Public Welfare; "Minister";

(b) "supervisor" shall mean supervisor appointed under "super-
visor."
The Department of Public Welfare Act, 1947. New. 1947, c.—.

2.—(1) The corporation of every county shall establish, erect, and at all times maintain, a home for the aged for the reception of persons of the classes described in section 14. Counties re-
quired to
establish
homes for
the aged.

(2) In lieu of establishing separate homes for the aged, the councils of two or three contiguous counties may, with the approval in writing of a supervisor, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged for such counties. Joint home
for the aged. R.S.O. 1937, c. 385, s. 2, *amended*.

3.—(1) The corporation of a city or separated town may establish, erect and maintain a home for the aged for the purposes mentioned in section 2. Establish-
ment of,
by city or
separated
town.

(2) In lieu of establishing a separate home for the aged, the corporation of a city or separated town may, with the approval in writing of a supervisor, enter into an agreement with the corporation of the county in which the city or town is territorially situate for the establishment, erection and maintenance of and they may establish, erect and maintain a joint home for the aged for such city or separated town and such county. Agreement
with county
as to estab-
lishment of.

(3) In the cases provided for by subsections 1 and 2, the home for the aged may be located within or without the limits of the city or separated town. Location of
home for
the aged. R.S.O. 1937, c. 385, s. 3, *amended*.

Approval of
site and
plans of
home for
the aged.

4. A home for the aged shall not be erected until the site and plans of the buildings have been approved in writing by a supervisor, and no change in the site, and no sale or disposal of any portion thereof and no structural alteration in the building shall be made until the like approval has been given. R.S.O. 1937, c. 385, s. 4, *amended*.

Board of
manage-
ment,
home
established
by county.

5.—(1) Where a county, city or separated town establishes a separate home for the aged the council shall appoint two persons, who may be members of the council, and who with the warden or mayor, as the case may be, shall form a board of management and shall have the management, regulation and control of the home for the aged, subject to the rules and regulations for the government of it and of its inmates made by the council under the authority of section 7.

For home
established
by two
counties.

(2) Where two counties agree to establish a joint home for the aged the councils shall by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management, and where three counties agree to establish a joint home for the aged the board of management shall consist of the wardens of the counties.

For home
established
by county
and a city
or separated
town.

(3) Where a city or a separated town and a county agree to establish a joint home for the aged the agreement shall provide for the appointment of one person who with the mayor of the city or town and the warden of the county shall form the board of management.

Agreement
to provide
for board of
manage-
ment.

(4) Where two or more cities or separated towns and one county or more than one county agree to establish a joint home for the aged the agreement shall provide for the appointment of persons who shall form the board of management and such persons may include any member of the councils of such municipalities and any agreement heretofore entered into for the establishment of such a home for the aged may be amended to provide for the appointment of a board of management as set forth in this subsection. R.S.O. 1937, c. 385, s. 5, *amended*.

Agreement
to name
corporation
to receive
grant.

6. Where two or more corporations agree to establish a joint home for the aged the agreement shall designate as to the corporation to which any grant made under the provisions of section 19 shall be paid. R.S.O. 1937, c. 385, s. 6, *amended*.

Appoint-
ment of
officers.

7.—(1) The council of a corporation which establishes a separate home for the aged shall appoint a superintendent, a matron and other officers for its care and management, and prescribe their duties and fix their salaries and make rules and regulations for the government of the home for the aged and of its inmates. R.S.O. 1937, c. 385, s. 7 (1), *amended*.

Rules and
regulations.

(2) Except in the case provided for by subsection 1, the duties and powers mentioned in that subsection shall be performed and may be exercised by the board of management, except as to salaries, which shall be fixed by joint action of the corporations interested. R.S.O. 1937, c. 385, s. 7 (2). Powers of board.

8. The rules and regulations provided for by section 7 shall not take effect until approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 385, s. 8. Approval of rules and regulations.

9.—(1) The council of a county, which has established a home for the aged, and the council of a city or town may from time to time enter into agreements for connecting the home for the aged with the sewerage system of such city or town, and may pass all by-laws and do all things necessary to carry the agreement into effect. Agreements for extending sewerage system to homes for the aged.

(2) The council of the county may also contract with The Hydro-Electric Power Commission or with any municipal corporation, company or individual owning or operating a water-works system, or works for the production and supply of electricity for light, heat or power in such city or town, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home for the aged. Contracts for supplying water, electric, light and power.

(3) For the purpose of connecting such home for the aged with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such home for the aged and such city or town, and may dig up such lands and highways and construct sewers and lay down any pipes and place all necessary poles or wires, and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*. Power to carry necessary works over intervening lands.

(4) Where two or more municipal corporations have established a joint home for the aged under the provisions of this Act, they shall have, in respect of such house, all the powers conferred upon the council of a county by this section. R.S.O. 1937, c. 385, s. 9, *amended*. Powers of municipalities, acting jointly.

10. It shall not be necessary to obtain the assent of the electors to a by-law for raising such sums as may be required for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any works authorized by section 9; but the amount owing in respect of the same shall Assent of electors to borrowing for home for the aged.

not at any time exceed \$50,000. R.S.O. 1937, c. 385, s. 10, *amended*.

Power to compel persons sent to homes for the aged to work.

11.—(1) The council or the board of management, as the case may be, may provide for requiring every person sent to the home for the aged to perform such work or service at such times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife and children, or for the general maintenance of the home for the aged, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him.

Detention of indigent persons.

(2) The council of a county, city or separated town which has established or joined in establishing under this Act a home for the aged may pass by-laws for committing to and detaining therein indigent persons, and a warrant of committal under the hand of the head of the council and the seal of the corporation shall be sufficient authority to the superintendent of such home for the aged to receive and detain the person mentioned in it until he is discharged under the rules and regulations or by order of a supervisor. R.S.O. 1937, c. 385, s. 11, *amended*.

Transfer of property to corporation by inmates of home for the aged.

12.—(1) Where an inmate of a home for the aged desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the home for the aged was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of four per centum per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand. R.S.O. 1937, c. 385, s. 12 (1); 1939, c. 47, s. 13, *amended*.

Approval of transfer by county judge.

(2) No such transfer shall be valid, unless it is executed in the presence of a judge of the county court of the county in which the home for the aged is situate, and unless there is endorsed on it a certificate signed by the judge, that he has examined the grantor, and is satisfied that the transfer is not improvident, and that it was made voluntarily, and that the grantor understood the effect of it, and desired to make the transfer.

(3) Where an inmate of a home for the aged is or becomes possessed of any real or personal property out of which the cost of his maintenance or any part of it can be paid, if any sum is due for such maintenance and has not been paid, a judge of the county court of the county in which the home for the aged is situate may, on the application of the council of any municipality interested, and upon such notice to the inmate as he may direct, order that any part of such real and personal property be vested in the corporation or corporations by which the home for the aged was established for the purpose of securing payment of the cost of the maintenance so due, or which may thereafter become due, with full power to take or recover possession of, manage, lease, mortgage, sell and convey all or any part of such property in the name of the inmate, or may make such other order, limiting or extending such powers as may be deemed proper, due regard being had to the value of the property, and as to what part, if any, of it is necessary for the support and maintenance of the family of the inmate.

Maintenance of inmates of home for the aged who are possessed of means.

(4) No conveyance, mortgage, lease or other instrument, purporting to transfer the property, shall be executed by the corporation or corporations until a judge of the county court of the county in which the home for the aged is situate shall have signified his approval of it by endorsement thereon.

Conveyance, mortgage, etc., to be approved by judge.

R.S.O. 1937, c. 385, s. 12 (2-4), *amended*.

(5) Upon the death of the inmate, what remains of the property, after the claims thereon are fully paid and satisfied, shall be transferred to his personal representatives. R.S.O. 1937, c. 385, s. 12 (5).

Transfer to personal representatives.

13. An account shall be kept of the cost of erecting, keeping, and maintaining the home for the aged, and of all materials furnished therefor, together with the names of the persons received into, and of those discharged from it, and also of the earnings of the inmates, and such other accounts as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 385, s. 13, *amended*.

What accounts to be kept.

14.—(1) Any person authorized for that purpose by by-law of a corporation which has established or joined in establishing a home for the aged may, by writing under his hand, commit to such home for the aged,—

Who may be committed to home for the aged.

- (a) poor and indigent persons who are incapable of supporting themselves;
- (b) persons without the means of maintaining themselves and able to work, who do not do so;

Rev. Stat.,
c. 392.

(c) feeble-minded persons not fit for commitment to an institution under *The Mental Hospitals Act*, but for whom special custodial care is necessary.

Punishment
of refractory
inmates.

(2) Every inmate of a home for the aged, if able to work, shall be kept diligently employed at labour, and if he does not perform such reasonable task or labour as may be assigned to him, or is stubborn, disobedient, or disorderly, he shall be liable to be punished in accordance with the rules and regulations of the home for the aged. R.S.O. 1937, c. 385, s. 14, *amended*.

Break in
residence
when not
to effect
liability of
county.

15.—(1) In the event of a person who is a subject for admission to a home for the aged being found in a county in which he has resided for less than two years, but who before coming into such county had been a resident of another county for two years or more, such person may be returned to the latter county and shall not be refused admission to the home for the aged thereof by reason of the break in his residence. R.S.O. 1937, c. 385, s. 15 (1), *amended*.

Period of
imprison-
ment not
to be
reckoned.

(2) If for any cause such person was deprived of his liberty during such absence, the period of detention shall not be counted in determining the time of residence of such person in the first-mentioned county. R.S.O. 1937, c. 385, s. 15 (2).

Special pro-
vision as to
detention
of feeble-
minded
female
inmate.

16. Where the physician having the care of the health of the inmates of a home for the aged certifies that a female inmate between the ages of sixteen and forty-five years, on account of natural mental deficiency, is so feeble-minded as to render it probable that she would be unable to care for herself if discharged from such home for the aged, she shall not be discharged until such physician, with the approval of a supervisor, orders her discharge. R.S.O. 1937, c. 385, s. 16, *amended*.

Prohibition
as to
children of
certain ages.

17. No child between the ages of two and sixteen years shall be received, held, boarded or lodged in a home for the aged. R.S.O. 1937, c. 385, s. 17, *amended*.

Inspection
of homes for
the aged.

18. A supervisor shall, at least once in every year, inspect every home for the aged and all books and documents relating to it, and examine into its sanitary condition, and shall report to the Minister as to its management, and make such recommendation and suggestions in relation to it and to the method of keeping its books and accounts as he may deem advisable, and a copy of such report shall be sent to the clerk of the council of every municipality having an interest in the home for the aged. R.S.O. 1937, c. 385, s. 18, *amended*.

19. Where,—

Aid to
municipality
establishing
home for
the aged.

- (a) the Minister has approved the plans and the amount of the expenditures for a new building to be used as a home for the aged or for an addition to or extension of a home for the aged; and
- (b) a supervisor has reported to the Minister that the land and buildings are suitable for a home for the aged and ready for occupation,

the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the municipality responsible for the home for the aged or the municipality designated under section 6, of an amount not exceeding twenty-five per centum of the cost of erecting the building. *New.*

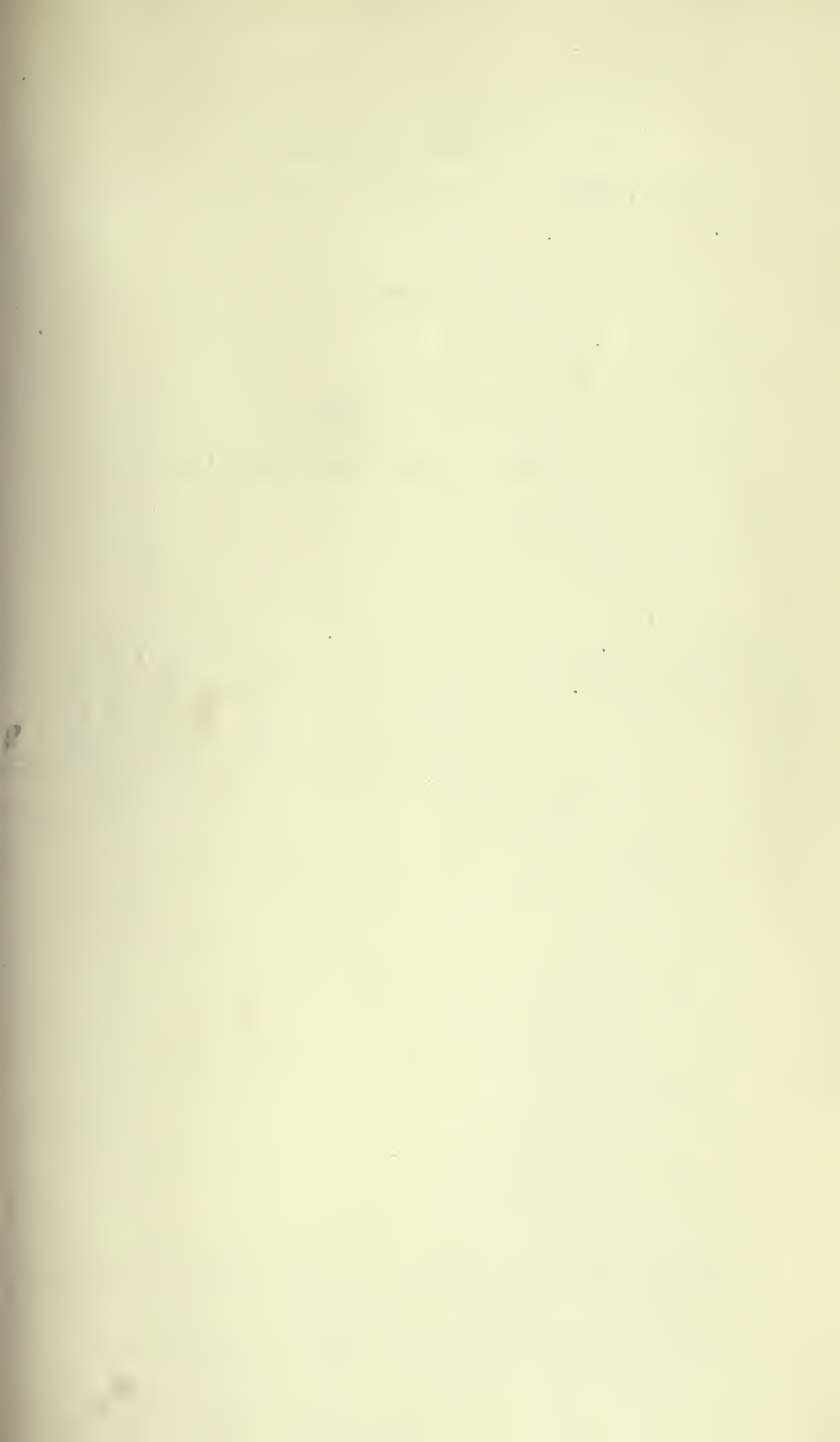
20. *The Houses of Refuge Act* and section 13 of *The Statute Law Amendment Act, 1939*, are repealed.

Rev. Stat.,
c. 385; 1939,
c. 47, s. 13,
repealed.

21. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment Act.

22. This Act may be cited as *The Homes for the Aged Act*, 1947. *Short title.*



The Homes for the Aged Act, 1947.

1st Reading

March 18th, 1947

2nd Reading

3rd Reading

MR. GOODFELLOW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Homes for the Aged Act, 1947.

MR. GOODFELLOW

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Homes for the Aged Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

**Interpre-
tation,—**

(a) "Minister" shall mean Minister of Public Welfare; "Minister";

(b) "supervisor" shall mean supervisor appointed under *The Department of Public Welfare Act, 1947. New.* "super-
visor."

2.—(1) The corporation of every county shall establish, erect, and at all times maintain, a home for the aged for the reception of persons of the classes described in section 14. Counties re-
quired to
establish
homes for
the aged.

(2) In lieu of establishing separate homes for the aged, the councils of two or three contiguous counties may, with the approval in writing of a supervisor, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged for such counties. R.S.O. 1937, c. 385, s. 2, *amended.* Joint home
for the aged.

3.—(1) The corporation of a city or separated town may establish, erect and maintain a home for the aged for the purposes mentioned in section 2. Establish-
ment of,
by city or
separated
town.

(2) In lieu of establishing a separate home for the aged, the corporation of a city or separated town may, with the approval in writing of a supervisor, enter into an agreement with the corporation of the county in which the city or town is territorially situate for the establishment, erection and maintenance of and they may establish, erect and maintain a joint home for the aged for such city or separated town and such county. Agreement
with county
as to estab-
lishment of.

(3) In the cases provided for by subsections 1 and 2, the home for the aged may be located within or without the limits of the city or separated town. R.S.O. 1937, c. 385, s. 3, *amended.* Location of
home for
the aged.

Approval of
site and
plans of
home for
the aged.

4. A home for the aged shall not be erected until the site and plans of the buildings have been approved in writing by a supervisor, and no change in the site, and no sale or disposal of any portion thereof and no structural alteration in the building shall be made until the like approval has been given. R.S.O. 1937, c. 385, s. 4, *amended*.

Board of
manage-
ment,
home
established
by county.

5.—(1) Where a county, city or separated town establishes a separate home for the aged the council shall appoint two persons, who may be members of the council, and who with the warden or mayor, as the case may be, shall form a board of management and shall have the management, regulation and control of the home for the aged, subject to the rules and regulations for the government of it and of its inmates made by the council under the authority of section 7.

For home
established
by two
counties.

(2) Where two counties agree to establish a joint home for the aged the councils shall by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management, and where three counties agree to establish a joint home for the aged the board of management shall consist of the wardens of the counties.

For home
established
by county
and a city
or separated
town.

(3) Where a city or a separated town and a county agree to establish a joint home for the aged the agreement shall provide for the appointment of one person who with the mayor of the city or town and the warden of the county shall form the board of management.

Agreement
to provide
for board of
manage-
ment.

(4) Where two or more cities or separated towns and one county or more than one county agree to establish a joint home for the aged the agreement shall provide for the appointment of persons who shall form the board of management and such persons may include any member of the councils of such municipalities and any agreement heretofore entered into for the establishment of such a home for the aged may be amended to provide for the appointment of a board of management as set forth in this subsection. R.S.O. 1937, c. 385, s. 5, *amended*.

Agreement
to name
corporation
to receive
grant.

6. Where two or more corporations agree to establish a joint home for the aged the agreement shall designate as to the corporation to which any grant made under the provisions of section 19 shall be paid. R.S.O. 1937, c. 385, s. 6, *amended*.

Appoint-
ment of
officers.

7.—(1) The council of a corporation which establishes a separate home for the aged shall appoint a superintendent, a matron and other officers for its care and management, and prescribe their duties and fix their salaries and make rules and regulations for the government of the home for the aged and of its inmates. R.S.O. 1937, c. 385, s. 7 (1), *amended*.

Rules and
regulations.

(2) Except in the case provided for by subsection 1, the duties and powers mentioned in that subsection shall be performed and may be exercised by the board of management, except as to salaries, which shall be fixed by joint action of the corporations interested. R.S.O. 1937, c. 385, s. 7 (2). Powers of board.

8. The rules and regulations provided for by section 7 shall not take effect until approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 385, s. 8. Approval of rules and regulations.

9.—(1) The council of a county, which has established a home for the aged, and the council of a city or town may from time to time enter into agreements for connecting the home for the aged with the sewerage system of such city or town, and may pass all by-laws and do all things necessary to carry the agreement into effect. Agreements for extending sewerage system to homes for the aged.

(2) The council of the county may also contract with The Hydro-Electric Power Commission or with any municipal corporation, company or individual owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power in such city or town, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home for the aged. Contracts for supplying water, electric, light and power.

(3) For the purpose of connecting such home for the aged with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such home for the aged and such city or town, and may dig up such lands and highways and construct sewers and lay down any pipes and place all necessary poles or wires, and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*. Power to carry necessary works over intervening lands.

(4) Where two or more municipal corporations have established a joint home for the aged under the provisions of this Act, they shall have, in respect of such house, all the powers conferred upon the council of a county by this section. R.S.O. 1937, c. 385, s. 9, *amended*. Powers of municipalities, acting jointly

10. It shall not be necessary to obtain the assent of the electors to a by-law for raising such sums as may be required for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any works authorized by section 9; but the amount owing in respect of the same shall Assent of electors to borrowing for home for the aged.

not at any time exceed \$50,000. R.S.O. 1937, c. 385, s. 10, *amended*.

Power to
compel per-
sons sent to
homes for
the aged.
to work.

11.—(1) The council or the board of management, as the case may be, may provide for requiring every person sent to the home for the aged to perform such work or service at such times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife and children, or for the general maintenance of the home for the aged, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him.

Detention
of indigent
persons.

(2) The council of a county, city or separated town which has established or joined in establishing under this Act a home for the aged may pass by-laws for committing to and detaining therein indigent persons, and a warrant of committal under the hand of the head of the council and the seal of the corporation shall be sufficient authority to the superintendent of such home for the aged to receive and detain the person mentioned in it until he is discharged under the rules and regulations or by order of a supervisor. R.S.O. 1937, c. 385, s. 11, *amended*.

Transfer of
property to
corporation
by inmates
of home for
the aged.

12.—(1) Where an inmate of a home for the aged desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the home for the aged was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of four per centum per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand. R.S.O. 1937, c. 385, s. 12 (1); 1939, c. 47, s. 13, *amended*.

Approval of
transfer by
county
judge.

(2) No such transfer shall be valid, unless it is executed in the presence of a judge of the county court of the county in which the home for the aged is situate, and unless there is endorsed on it a certificate signed by the judge, that he has examined the grantor, and is satisfied that the transfer is not improvident, and that it was made voluntarily, and that the grantor understood the effect of it, and desired to make the transfer.

(3) Where an inmate of a home for the aged is or becomes possessed of any real or personal property out of which the cost of his maintenance or any part of it can be paid, if any sum is due for such maintenance and has not been paid, a judge of the county court of the county in which the home for the aged is situate may, on the application of the council of any municipality interested, and upon such notice to the inmate as he may direct, order that any part of such real and personal property be vested in the corporation or corporations by which the home for the aged was established for the purpose of securing payment of the cost of the maintenance so due, or which may thereafter become due, with full power to take or recover possession of, manage, lease, mortgage, sell and convey all or any part of such property in the name of the inmate, or may make such other order, limiting or extending such powers as may be deemed proper, due regard being had to the value of the property, and as to what part, if any, of it is necessary for the support and maintenance of the family of the inmate.

Maintenance of inmates of home for the aged who are possessed of means.

(4) No conveyance, mortgage, lease or other instrument, purporting to transfer the property, shall be executed by the corporation or corporations until a judge of the county court of the county in which the home for the aged is situate shall have signified his approval of it by endorsement thereon.

Conveyance, mortgage, etc., to be approved by judge.

R.S.O. 1937, c. 385, s. 12 (2-4), *amended*.

(5) Upon the death of the inmate, what remains of the property, after the claims thereon are fully paid and satisfied, shall be transferred to his personal representatives.

Transfer to personal representatives.

R.S.O. 1937, c. 385, s. 12 (5).

13. An account shall be kept of the cost of erecting, keeping, and maintaining the home for the aged, and of all materials furnished therefor, together with the names of the persons received into, and of those discharged from it, and also of the earnings of the inmates, and such other accounts as may be prescribed by the Lieutenant-Governor in Council.

What accounts to be kept.

R.S.O. 1937, c. 385, s. 13, *amended*.

14.—(1) Any person authorized for that purpose by law of a corporation which has established or joined in establishing a home for the aged may, by writing under his hand, commit to such home for the aged,—

Who may be committed to home for the aged.

- (a) poor and indigent persons who are incapable of supporting themselves;
- (b) persons without the means of maintaining themselves and able to work, who do not do so;

Rev. Stat.,
c. 392.

- (c) feeble-minded persons not fit for commitment to an institution under *The Mental Hospitals Act*; but for whom special custodial care is necessary.

Punishment
of refractory
inmates.

(2) Every inmate of a home for the aged, if able to work, shall be kept diligently employed at labour, and if he does not perform such reasonable task or labour as may be assigned to him, or is stubborn, disobedient, or disorderly, he shall be liable to be punished in accordance with the rules and regulations of the home for the aged. R.S.O. 1937, c. 385, s. 14, *amended*.

Break in
residence
when not
to effect
liability of
county.

15.—(1) In the event of a person who is a subject for admission to a home for the aged being found in a county in which he has resided for less than two years, but who before coming into such county had been a resident of another county for two years or more, such person may be returned to the latter county and shall not be refused admission to the home for the aged thereof by reason of the break in his residence. R.S.O. 1937, c. 385, s. 15 (1), *amended*.

Period of
imprison-
ment not
to be
reckoned.

(2) If for any cause such person was deprived of his liberty during such absence, the period of detention shall not be counted in determining the time of residence of such person in the first-mentioned county. R.S.O. 1937, c. 385, s. 15 (2).

Special pro-
vision as to
detention
of feeble-
minded
female
inmate.

16. Where the physician having the care of the health of the inmates of a home for the aged certifies that a female inmate between the ages of sixteen and forty-five years, on account of natural mental deficiency, is so feeble-minded as to render it probable that she would be unable to care for herself if discharged from such home for the aged, she shall not be discharged until such physician, with the approval of a supervisor, orders her discharge. R.S.O. 1937, c. 385, s. 16, *amended*.

Prohibition
as to
children of
certain ages.

17. No child between the ages of two and sixteen years shall be received, held, boarded or lodged in a home for the aged. R.S.O. 1937, c. 385, s. 17, *amended*.

Inspection
of homes for
the aged.

18. A supervisor shall, at least once in every year, inspect every home for the aged and all books and documents relating to it, and examine into its sanitary condition, and shall report to the Minister as to its management, and make such recommendation and suggestions in relation to it and to the method of keeping its books and accounts as he may deem advisable, and a copy of such report shall be sent to the clerk of the council of every municipality having an interest in the home for the aged. R.S.O. 1937, c. 385, s. 18, *amended*.

19. Where,—

Aid to
municipality
establishing
home for
the aged.

- (a) the Minister has approved the plans and the amount of the expenditures for a new building to be used as a home for the aged or for an addition to or extension of a home for the aged; and
- (b) a supervisor has reported to the Minister that the land and buildings are suitable for a home for the aged and ready for occupation,

the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the municipality responsible for the home for the aged or the municipality designated under section 6, of an amount not exceeding twenty-five per centum of the cost of erecting the building. *New.*

20. *The Houses of Refuge Act* and section 13 of *The Statute Law Amendment Act, 1939*, are repealed.

Rev. Stat.,
c. 385; 1939,
c. 47, s. 13,
repealed.

21. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment Act.

22. This Act may be cited as *The Homes for the Aged Act*, Short title. 1947.

The Homes for the Aged Act, 1947.

1st Reading

March 18th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. GOODFELLOW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The District Homes for the Aged Act, 1947.

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Bill is similar in its effect to Bill No. 73, *The Homes for the Aged Act, 1947*, and the explanatory notes for that Bill are equally applicable to this Bill.

BILL

The District Homes for the Aged Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "district" shall mean a provisional judicial district; "district"; R.S.O. 1937, c. 386, s. 1, cl. (a).
- (b) "Minister" shall mean Minister of Public Welfare; "Minister"; and
- (c) "supervisor" shall mean supervisor appointed under "super-visor"; *The Department of Public Welfare Act, 1947. New. 1947, c.—.*

2. A home for the aged may be established, erected and maintained in a district when a by-law authorizing the same ^{How established.} has been passed in a majority of the organized municipalities of such district. R.S.O. 1937, c. 386, s. 2, *amended.*

3. When by-laws authorizing the same have been passed ^{Joint home for the aged.} in a majority of the organized municipalities in two or more contiguous districts a joint home for the aged may be established. R.S.O. 1937, c. 386, s. 3, *amended.*

4. When such by-laws have been passed, certified copies ^{Approved by Lieutenant-Governor.} shall be transmitted to the Minister for the approval of the Lieutenant-Governor in Council, and, if approved of, a board ^{Board of management.} of management shall be appointed. R.S.O. 1937, c. 386, s. 4, *amended.*

5.—(1) The board of management shall be a corporation ^{How composed.} and shall consist of five persons resident in the district, and shall be appointed by the Lieutenant-Governor in Council for a term of three years, and in the case of contiguous districts agreeing to join in a joint home for the aged the board shall consist of three persons resident in each of the districts appointed by the Lieutenant-Governor in Council for a term of three years. R.S.O. 1937, c. 386, s. 5 (1), *amended.*

Term of
office.

(2) The members of the board shall hold office for a term of three years and until their successors are appointed. R.S.O. 1937, c. 386, s. 5 (2).

Site for
home.

6. The board shall select the site for the home for the aged which shall be inspected by a supervisor and approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 386, s. 6, *amended*.

Powers of
board.

7. The board shall have charge of the erection and maintenance of the home for the aged and shall have the same powers as provided for in sections 7 and 8 of *The Homes for the Aged Act, 1947*. R.S.O. 1937, c. 386, s. 7, *amended*.

1947, c.—.

Powers of
county
councils
conferred on
boards of
manage-
ment.

8. The board shall have the powers which are conferred upon the council of a county by sections 9, 10, 11, 12, 14 and 15 of *The Homes for the Aged Act, 1947*, and those sections so far as applicable to a home for the aged established by a county shall apply to a home for the aged established under this Act. R.S.O. 1937, c. 386, s. 8, *amended*.

Aid to board
establishing
home for
the aged.

9. Where,—

- (a) the Minister has approved the plans and the amount of the expenditures for a building to be used for a home for the aged or for an addition to or extension of a home for the aged; and
- (b) a supervisor has reported to the Minister that the land and buildings are suitable for a home for the aged and ready for occupation,

the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the board responsible for the home for the aged, of an amount not exceeding twenty-five per centum of the cost of erecting the building. *New*.

Assessment
for main-
tenance.

10. The amount of the grant shall not in the case of a home for the aged established for a district exceed the amount levied and collected in such district for the purpose of the establishment and erection of the home for the aged and in the case of a joint home for the aged the aggregate of the amounts levied and collected for such purpose in the districts by which the home for the aged is established. R.S.O. 1937, c. 386, s. 11, *amended*.

Providing
cost of main-
tenance.

11.—(1) The cost of establishing, erecting and maintaining a home for the aged shall be defrayed by the corporations of the organized municipalities in the districts by which it is established in proportion to the amount of their assessment according to the last revised assessment roll, and by the ratepayers

in school sections in unorganized townships in proportion to the amount of the assessment for school purposes. R.S.O. 1937, c. 386, s. 12 (1), *amended*.

(2) In unorganized townships the amount required to be raised for the purposes of this Act shall be apportioned by the board among the different school sections in proportion to their respective assessments for school purposes, and shall be assessed, levied and collected by the same persons, in the same manner and at the same times as rates for school purposes, and shall when collected be paid over to the board, and the provisions of law with respect to school taxes in unorganized townships shall, so far as practicable, apply *mutatis mutandis* to the rates levied under this Act.

Apportionment of amount.

In unorganized townships, etc.

(3) The board shall in each year apportion the amount which it estimates will be required to defray the expenditure for that year among the organized municipalities and school sections liable to pay the same, and shall on or before the 31st day of January notify the clerk of each municipality, and in unorganized townships the secretary of each school board, of the amount to be provided, and each municipality and school section in unorganized municipalities shall pay such amount to the board on demand, and shall include the same in its estimates for the then current year and levy and collect the same in like manner as taxes are levied and collected. R.S.O. 1937, c. 386, s. 12 (2, 3).

In organized townships.

Notice of amount to be provided.

12. A home for the aged established under this Act shall be entitled to receive aid under *The Charitable Institutions Act* at a *per diem* rate fixed from time to time by the Lieutenant-Governor in Council for each inmate while he is maintained therein. R.S.O. 1937, c. 386, s. 13, *amended*.

Aid from Legislative grants.

Rev. Stat., c. 381.

13.—(1) Where an inmate in a district home for the aged was at the time of his admission a resident in a municipality in a territorial district other than the one for which the home for the aged is established, such municipality shall if the inmate is an indigent person be liable to pay to the board for the maintenance of such inmate at the rate of \$1 per day for every day in which he is an inmate in the home for the aged. R.S.O. 1937, c. 386, s. 14 (1); 1946, c. 24, s. 1, *amended*.

Liability for indigent inmates from municipalities in other districts.

(2) For the purposes of this section, an inmate shall be deemed to be a resident in a municipality if he actually resided therein for three months out of the five months next preceding admission to the home for the aged. R.S.O. 1937, c. 386, s. 14 (2), *amended*.

Meaning of "resident."

14. The accounts of a home for the aged shall be submitted quarterly to a supervisor, and audited in the same manner as

Accounts to be submitted and audited.

accounts relating to the administration of justice in districts.
R.S.O. 1937, c. 386, s. 15, *amended*.

Rev. Stat.,
c. 386;
1946, c. 24,
repealed.

15. *The District Houses of Refuge Act* and *The District Houses of Refuge Amendment Act, 1946*, are repealed.

Commence-
ment of Act.

16. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

17. This Act may be cited as *The District Homes for the Aged Act, 1947*.

The District Homes for the Aged
Act, 1947

1st Reading

March 18th, 1947

2nd Reading

3rd Reading

MR. GOODFELLOW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "district" shall mean a provisional judicial district; "district"; R.S.O. 1937, c. 386, s. 1, cl. (a).
- (b) "Minister" shall mean Minister of Public Welfare; "Minister"; and
- (c) "supervisor" shall mean supervisor appointed under "super-visor".
The Department of Public Welfare Act, 1947. New.

2. A home for the aged may be established, erected and maintained in a district when a by-law authorizing the same has been passed in a majority of the organized municipalities of such district. R.S.O. 1937, c. 386, s. 2, *amended*. How
established.

3. When by-laws authorizing the same have been passed in a majority of the organized municipalities in two or more contiguous districts a joint home for the aged may be established. R.S.O. 1937, c. 386, s. 3, *amended*. Joint home
for the aged.

4. When such by-laws have been passed, certified copies shall be transmitted to the Minister for the approval of the Lieutenant-Governor in Council, and, if approved of, a board of management shall be appointed. R.S.O. 1937, c. 386, s. 4, *amended*. Approved by
Lieutenant-
Governor.

Board of
manage-
ment.

5.—(1) The board of management shall be a corporation and shall consist of five persons resident in the district, and shall be appointed by the Lieutenant-Governor in Council for a term of three years, and in the case of contiguous districts agreeing to join in a joint home for the aged the board shall consist of three persons resident in each of the districts appointed by the Lieutenant-Governor in Council for a term of three years. R.S.O. 1937, c. 386, s. 5 (1), *amended*. How
composed.

Term of office.

(2) The members of the board shall hold office for a term of three years and until their successors are appointed. R.S.O. 1937, c. 386, s. 5 (2).

Site for home.

6. The board shall select the site for the home for the aged which shall be inspected by a supervisor and approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 386, s. 6, *amended*.

Powers of board.

7. The board shall have charge of the erection and maintenance of the home for the aged and shall have the same powers as provided for in sections 7 and 8 of *The Homes for the Aged Act, 1947*. R.S.O. 1937, c. 386, s. 7, *amended*.

1947, c.—.

Powers of county councils conferred on boards of management.

8. The board shall have the powers which are conferred upon the council of a county by sections 9, 10, 11, 12, 14 and 15 of *The Homes for the Aged Act, 1947*, and those sections so far as applicable to a home for the aged established by a county shall apply to a home for the aged established under this Act. R.S.O. 1937, c. 386, s. 8, *amended*.

Aid to board establishing home for the aged.

9. Where,—

- (a) the Minister has approved the plans and the amount of the expenditures for a building to be used for a home for the aged or for an addition to or extension of a home for the aged; and
- (b) a supervisor has reported to the Minister that the land and buildings are suitable for a home for the aged and ready for occupation,

the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the board responsible for the home for the aged, of an amount not exceeding twenty-five per centum of the cost of erecting the building. *New*.

Assessment for maintenance.

10. The amount of the grant shall not in the case of a home for the aged established for a district exceed the amount levied and collected in such district for the purpose of the establishment and erection of the home for the aged and in the case of a joint home for the aged the aggregate of the amounts levied and collected for such purpose in the districts by which the home for the aged is established. R.S.O. 1937, c. 386, s. 11, *amended*.

Providing cost of maintenance.

11.—(1) The cost of establishing, erecting and maintaining a home for the aged shall be defrayed by the corporations of the organized municipalities in the districts by which it is established in proportion to the amount of their assessment according to the last revised assessment roll, and by the ratepayers

in school sections in unorganized townships in proportion to the amount of the assessment for school purposes. R.S.O. 1937, c. 386, s. 12 (1), *amended*.

(2) In unorganized townships the amount required to be raised for the purposes of this Act shall be apportioned by the board among the different school sections in proportion to their respective assessments for school purposes, and shall be assessed, levied and collected by the same persons, in the same manner and at the same times as rates for school purposes, and shall when collected be paid over to the board, and the provisions of law with respect to school taxes in unorganized townships shall, so far as practicable, apply *mutatis mutandis* to the rates levied under this Act.

Apportionment of amount.
In unorganized townships, etc.

(3) The board shall in each year apportion the amount which it estimates will be required to defray the expenditure for that year among the organized municipalities and school sections liable to pay the same, and shall on or before the 31st day of January notify the clerk of each municipality, and in unorganized townships the secretary of each school board, of the amount to be provided, and each municipality and school section in unorganized municipalities shall pay such amount to the board on demand, and shall include the same in its estimates for the then current year and levy and collect the same in like manner as taxes are levied and collected. R.S.O. 1937, c. 386, s. 12 (2, 3).

In organized townships.
Notice of amount to be provided.

12. A home for the aged established under this Act shall be entitled to receive aid under *The Charitable Institutions Act* at a *per diem* rate fixed from time to time by the Lieutenant-Governor in Council for each inmate while he is maintained therein. R.S.O. 1937, c. 386, s. 13, *amended*.

Aid from Legislative grants.
Rev. Stat., c. 381.

13.—(1) Where an inmate in a district home for the aged was at the time of his admission a resident in a municipality in a territorial district other than the one for which the home for the aged is established, such municipality shall if the inmate is an indigent person be liable to pay to the board for the maintenance of such inmate at the rate of \$1 per day for every day in which he is an inmate in the home for the aged. R.S.O. 1937, c. 386, s. 14 (1); 1946, c. 24, s. 1, *amended*.

Liability for indigent inmates from municipalities in other districts.

(2) For the purposes of this section, an inmate shall be deemed to be a resident in a municipality if he actually resided therein for three months out of the five months next preceding admission to the home for the aged. R.S.O. 1937, c. 386, s. 14 (2), *amended*.

Meaning of "resident."

14. The accounts of a home for the aged shall be submitted quarterly to a supervisor, and audited in the same manner as

Accounts to be submitted and audited.

accounts relating to the administration of justice in districts.
R.S.O. 1937, c. 386, s. 15, *amended*.

Rev. Stat.,
c. 386;
1946, c. 24,
repealed.

15. *The District Houses of Refuge Act* and *The District Houses of Refuge Amendment Act, 1946*, are repealed.

Commence-
ment of Act.

16. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

17. This Act may be cited as *The District Homes for the Aged Act, 1947*.

The District Homes for the Aged
Act, 1947

1st Reading

March 18th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. GOODFELLOW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Local Improvement Act.

MR. DUNBAR

EXPLANATORY NOTE

Under the present section, when a by-law is in force providing that all works that may be undertaken as local improvements shall be undertaken as local improvements and not otherwise, any replacements or renewals of such works must be undertaken as local improvements.

The provisions of the amendment are self-explanatory. They are designed to permit an equitable distribution of the cost of renewing or replacing local improvement works.

No. 75

1947

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 65 of *The Local Improvement Act* is amended by Rev. Stat.,
adding thereto the following subsection: c. 269, s. 65,
amended.

(3) Notwithstanding subsection 1, the council of a cor- Renewal or
poration may by by-law provide for the renewal or replacement
replacement of any local improvement work at the expense of local
expense of the corporation, or partly at the expense improvement
of the corporation and partly as a local improvement, works.
or wholly as a local improvement.

2. This Act may be cited as *The Local Improvement Amend-* Short title.
ment Act, 1947.

An Act to amend The Local Improvement
Act.

1st Reading

March 18th, 1947

2nd Reading

3rd Reading

MR. DUNBAR

No. 75

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Local Improvement Act.

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 65 of *The Local Improvement Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 269, s. 65,
amended.

- (3) Notwithstanding subsection 1, the council of a corporation may by by-law provide for the renewal or replacement of any local improvement work at the expense of the corporation, or partly at the expense of the corporation and partly as a local improvement, or wholly as a local improvement. Renewal or
replacement
of local
improvement
works.

2. This Act may be cited as *The Local Improvement Amendment Act, 1947*. Short title.

An Act to amend The Local Improvement
Act.

1st Reading

March 18th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. DUNBAR

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Tourist Camp Regulation Act, 1946.

MR. WELSH

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Regulations may now be made requiring the operator of a tourist camp to maintain a register. The amendment permits regulations to be made requiring persons using a tourist camp to register and prescribing the information which such persons shall furnish.

BILL

An Act to amend The Tourist Camp Regulation Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of subsection 1 of section 2 of *The Tourist Camp Regulation Act, 1946*, is amended by adding at the end thereof the words "and requiring persons using the tourist camp to register therein, and prescribing the information which shall be entered in the register by the operator and by persons using the tourist camp", so that the said clause shall now read as follows:

- (i) requiring the maintaining by the operator of each tourist camp of a register of persons, motor vehicles and trailers using the tourist camp and requiring persons using the tourist camp to register therein, and prescribing the information which shall be entered in the register by the operator and by persons using the tourist camp.

2. This Act may be cited as *The Tourist Camp Regulation Amendment Act, 1947*. Short title.

An Act to amend The Tourist Camp
Regulation Act, 1946.

1st Reading

March 18th, 1947

2nd Reading

3rd Reading

MR. WELSH

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Tourist Camp Regulation Act, 1946.

MR. WELSH

No. 76

1947

BILL

An Act to amend The Tourist Camp Regulation Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of subsection 1 of section 2 of *The Tourist Camp Regulation Act, 1946*, is amended by adding at the end thereof the words "and requiring persons using the tourist camp to register therein, and prescribing the information which shall be entered in the register by the operator and by persons using the tourist camp", so that the said clause shall now read as follows:

1946,
c. 100, s. 2,
subs. 1, cl. i,
amended.

- (i) requiring the maintaining by the operator of each tourist camp of a register of persons, motor vehicles and trailers using the tourist camp and requiring persons using the tourist camp to register therein, and prescribing the information which shall be entered in the register by the operator and by persons using the tourist camp.

2. This Act may be cited as *The Tourist Camp Regulation Amendment Act, 1947*. Short title.

An Act to amend The Tourist Camp
Regulation Act, 1946.

1st Reading

March 18th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. WELSH

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Municipal Franchises Act.

MR. DUNBAR

EXPLANATORY NOTE

The words "railway" and "street railway" in the present subsection do not apply to bus systems and the like. The subsection is therefore brought up to date by substituting "transportation system", so that the provision will apply to all modern types of transportation systems.

No other principle is involved in the Bill, but the language of the subsection has been recast for clarity.

BILL

An Act to amend The Municipal Franchises Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Municipal Franchises Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 277, s. 3,
subs. 1, re-
enacted.

- (1) A municipal corporation shall not grant to any person nor shall any person acquire the right to use or occupy any of the highways of the municipality except as provided in *The Municipal Act*, or to construct or operate any part of a transportation system or public utility in the municipality, or to supply to the corporation or to the inhabitants of the municipality or any of them, gas, steam or electric light, heat or power, unless a by-law setting forth the terms and conditions upon which and the period for which such right is to be granted or acquired has been assented to by the municipal electors.

Where
assent
required.

Rev. Stat.,
c. 266.

2. This Act shall come into force on the 1st day of June, 1947.

Commence-
ment of Act.

3. This Act may be cited as *The Municipal Franchises Amendment Act, 1947*.

Short title.

An Act to amend The Municipal
Franchises Act.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. DUNBAR

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Municipal Franchises Act.

MR. DUNBAR

BILL

An Act to amend The Municipal Franchises Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Municipal Franchises Act* is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 3, subs. 1, re-enacted.

(1) A municipal corporation shall not grant to any person nor shall any person acquire the right to use, or occupy any of the highways of the municipality except as provided in *The Municipal Act*, or to construct or operate any part of a transportation system or public utility in the municipality, or to supply to the corporation or to the inhabitants of the municipality or any of them, gas, steam or electric light, heat or power, unless a by-law setting forth the terms and conditions upon which and the period for which such right is to be granted or acquired has been assented to by the municipal electors. Where assent required. Rev. Stat., c. 266.

(1a) Subsection 1 shall not apply to The Hydro-Electric Power Commission of Ontario. Hydro Commission exempt.

2. This Act shall come into force on the 1st day of June, 1947. Commencement of Act.

3. This Act may be cited as *The Municipal Franchises Amendment Act, 1947*. Short title.

An Act to amend The Municipal
Franchises Act.

1st Reading

March 19th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. DUNBAR

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Plant Diseases Act.

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. The purpose of this amendment is to provide areas in the Province in which special arrangements will be made to control certain pests such as apple maggot.

SECTION 2. The purpose of this amendment is to authorize the destruction of certain plants or shrubbery such as wild hawthorns which are likely to become infested with plant diseases.

BILL

An Act to amend The Plant Diseases Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Plant Diseases Act* is amended by adding thereto the following section: Rev. Stat., c. 346, amended.

6a. The Minister may, upon the petition of one or more producers of apples, prescribe plant disease control areas and may by order prescribe and provide for special methods for the control of plant diseases in any such area. Disease control areas.

2. Clause *i* of section 9 of *The Plant Diseases Act* is amended by adding at the end thereof the words "or any plant liable to be so infested", so that the said clause shall now read as follows: Rev. Stat., c. 346, s. 9, cl. i, amended.

(i) providing for the seizure, removal, destruction and confiscation of any plant, fruit or container infested with a plant disease or any plant liable to be so infested.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Plant Diseases Amendment Act, 1947*. Short title.

1947.
An Act to amend The Plant Diseases Act.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Plant Diseases Act.

MR. KENNEDY

BILL

An Act to amend The Plant Diseases Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Plant Diseases Act* is amended by adding thereto the following section: Rev. Stat.,
c. 346,
amended.

6a. The Minister may, upon the petition of one or more producers of apples, prescribe plant disease control areas and may by order prescribe and provide for special methods for the control of plant diseases in any such area. Disease
control
areas.

2. Clause *i* of section 9 of *The Plant Diseases Act* is amended by adding at the end thereof the words "or any plant liable to be so infested", so that the said clause shall now read as follows: Rev. Stat.,
c. 346, s. 9,
cl. *i*,
amended.

(i) providing for the seizure, removal, destruction and confiscation of any plant, fruit or container infested with a plant disease or any plant liable to be so infested.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

4. This Act may be cited as *The Plant Diseases Amendment Act, 1947*. Short title.

An Act to amend The Plant Diseases Act.

1st Reading

March 19th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. KENNEDY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to extend the Right to Vote at Municipal Elections to the
Classes of Persons That May Vote at Elections to
the Assembly.

MR. SALSBERG

EXPLANATORY NOTE

The purpose of this Bill is to extend the right to vote at municipal elections to the same classes of persons that are entitled to vote at elections to the Assembly.

No. 79

1947

BILL

An Act to extend the Right to Vote at Municipal Elections to the Classes of Persons That May Vote at Elections to the Assembly.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding the provisions of *The Municipal Act*, every resident of a municipality who is entitled to vote at elections to the Assembly shall be entitled to be entered on the voters' list and to vote at municipal elections in the municipality. ^{Municipal franchise same as provincial franchise. Rev. Stat., c. 266.}

(2) Notwithstanding any other Act, the voters' list shall be prepared in the same manner as for an election to the Assembly. ^{voters' list.}

2. This Act may be cited as *The Municipal Elections Act*, ^{Short title.} 1947.

An Act to extend the Right to Vote at
Municipal Elections to the Classes of
Persons That May Vote at Elections to
the Assembly.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. SALSBERG

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Vocational Education Act.

MR. DREW

EXPLANATORY NOTES

SECTIONS 1 and 3. These amendments are made to bring the Act into line with the provisions of *The High Schools Act* so that the levy for county pupils for secondary education will be uniform.

SECTION 2. These amendments bring the Act into line with the existing practice of the Department.

BILL

An Act to amend The Vocational Education Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Vocational Education Act*, Rev. Stat., c. 369, s. 1, as re-enacted by subsection 1 of section 33 of *The School Law Amendment Act, 1945*, cl. b (1945, 2nd Sess., c. 8, s. 33, subs. 1), is amended by striking out all the words after the word "district" in the eighth line, so that the said clause shall now read as follows: amended.

(b) "County pupils" shall mean pupils,

"County pupils".

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district.

2.—(1) Subsection 1 of section 5 of *The Vocational Education Act* is amended by striking out the words "the regulations" Rev. Stat., c. 369, s. 5, subs. 1, amended. in the first and second lines and inserting in lieu thereof the words "*The High Schools Act*", so that the said subsection shall now read as follows:

(1) Pupils who may be duly admitted under *The High Schools Act* to a day high school may be admitted to any of the vocational schools or departments provided for in this Part. Admission of pupils to vocational schools. Rev. Stat., c. 369.

(2) Subsection 5 of the said section 5 is amended by striking out the word "training" in the second line, and by striking out the word "classes" in the sixth line and inserting in lieu thereof the word "schools", so that the said subsection shall now read as follows: Rev. Stat., c. 369, s. 5, subs. 5, amended.

Admission
of pupils
from
auxiliary
classes.

- (5) Subject to the regulations, pupils of thirteen years of age and over, who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial schools established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it.

Rev. Stat.,
c. 369, s. 13,
subs. 3,
cls. a, b
(1945,
2nd Sess.,
c. 8, s. 34),
amended.

3. Clauses *a* and *b* of subsection 3 of section 13 of *The Vocational Education Act*, as re-enacted by section 34 of *The School Law Amendment Act, 1945*, are amended by striking out the words "in which a vocational school is established and maintained" in the seventh and eighth lines of clause *a*, and by striking out the words "in which a vocational school is established or maintained" in the sixth and seventh lines of clause *b*, so that the said clauses shall now read as follows:

- (a) fifty per centum of the said cost by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities comprising that part of the county which is not within the limits of a high school or grade A or grade B continuation school district; and
- (b) the remaining fifty per centum thereof by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities which are not within a high school or grade A or grade B continuation school district and in which the county pupils reside or are assessed or the parents or guardians of whom are assessed, as the case may be, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

5. This Act may be cited as *The Vocational Education Amendment Act, 1947*.

An Act to amend The Vocational
Education Act.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. DREW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Vocational Education Act.

MR. DREW

BILL

An Act to amend The Vocational Education Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Vocational Education Act*, Rev. Stat., c. 369, s. 1, cl. b (1945, 2nd Sess., c. 8, s. 33, subs. 1), amended. as re-enacted by subsection 1 of section 33 of *The School Law Amendment Act, 1945*, is amended by striking out all the words after the word "district" in the eighth line, so that the said clause shall now read as follows:

(b) "County pupils" shall mean pupils,

"County pupils".

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district.

2.—(1) Subsection 1 of section 5 of *The Vocational Education Act* is amended by striking out the words "the regulations" in the first and second lines and inserting in lieu thereof the words "*The High Schools Act*", so that the said subsection shall now read as follows: Rev. Stat., c. 369, s. 5, subs. 1, amended.

(1) Pupils who may be duly admitted under *The High Schools Act* to a day high school may be admitted to any of the vocational schools or departments provided for in this Part. Admission of pupils to vocational schools. Rev. Stat., c. 360.

(2) Subsection 5 of the said section 5 is amended by striking out the word "training" in the second line, and by striking out the word "classes" in the sixth line and inserting in lieu thereof the word "schools", so that the said subsection shall now read as follows: Rev. Stat., c. 369, s. 5, subs. 5, amended.

Admission
of pupils
from
auxiliary
classes.

- (5) Subject to the regulations, pupils of thirteen years of age and over; who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial schools established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it.

Rev. Stat.,
c. 369, s. 13,
subs. 3,
cls. a, b
(1945,
2nd Sess.,
c. 8, s. 34),
amended.

3. Clauses *a* and *b* of subsection 3 of section 13 of *The Vocational Education Act*, as re-enacted by section 34 of *The School Law Amendment Act, 1945*, are amended by striking out the words "in which a vocational school is established and maintained" in the seventh and eighth lines of clause *a*, and by striking out the words "in which a vocational school is established or maintained" in the sixth and seventh lines of clause *b*, so that the said clauses shall now read as follows:

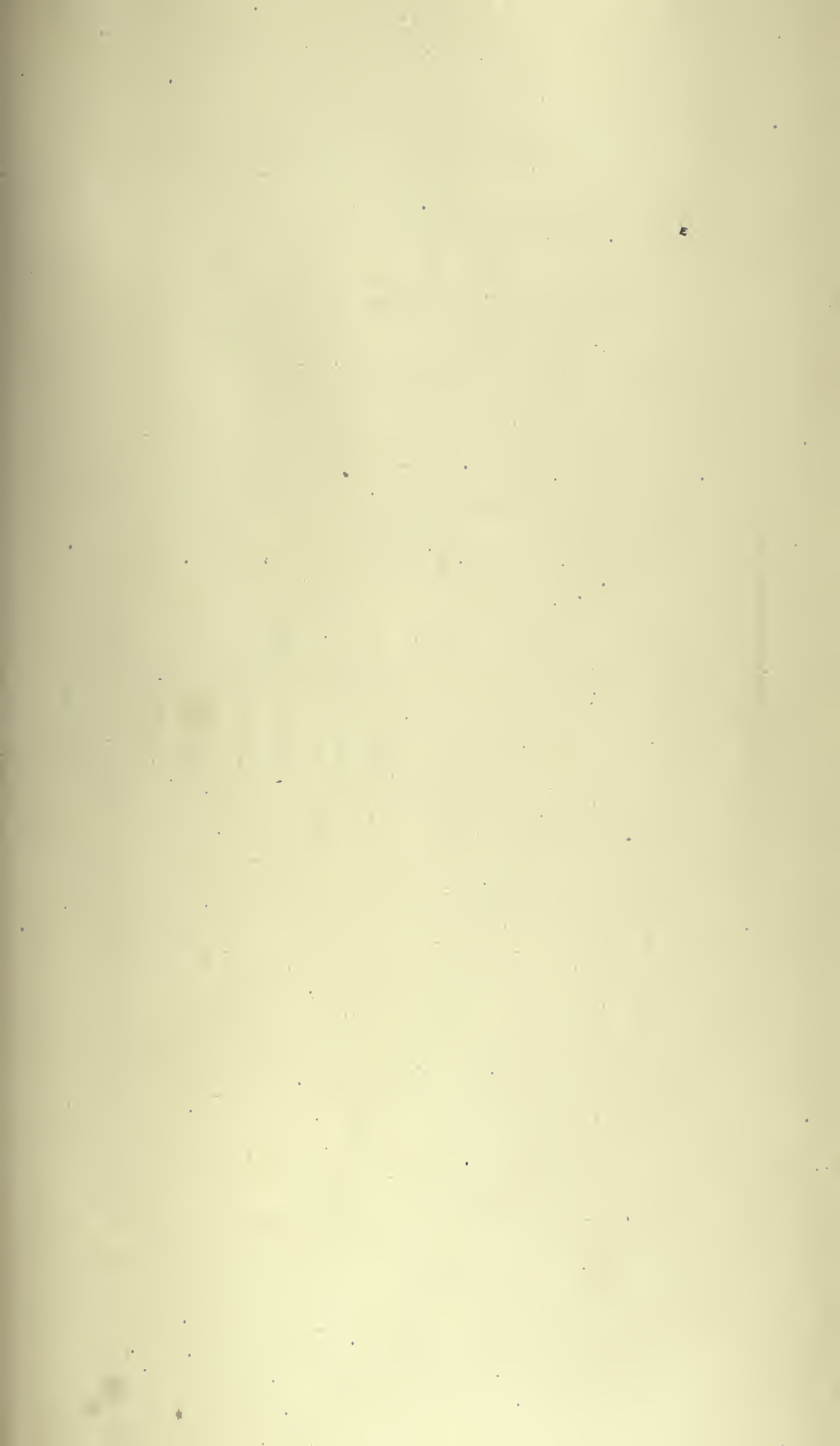
- (a) fifty per centum of the said cost by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities comprising that part of the county which is not within the limits of a high school or grade A or grade B continuation school district; and
- (b) the remaining fifty per centum thereof by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities which are not within a high school or grade A or grade B continuation school district and in which the county pupils reside or are assessed or the parents or guardians of whom are assessed, as the case may be, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

5. This Act may be cited as *The Vocational Education Amendment Act, 1947*.



1st Reading

March 19th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. DREW

No. 81

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Teaching Profession Act, 1944.

MR. DREW.

TORONTO
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EXPLANATORY NOTES

SECTION 1. The time during which a member of the armed forces or auxiliary services may give notice that he does not desire to be a member of the Federation is extended.

SECTION 2. Authority is given by the proposed clause *bb* to provide, by regulation, for voluntary membership in The Ontario Teachers' Federation.

Clause *cc* is complementary to the amendment effected by section 1.

BILL

An Act to amend The Teaching Profession Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Teaching Profession Act, 1944*, is ^{1944,} amended by adding thereto the following subsection: ^{c. 64, s. 4,} ^{amended.}

(2) In the case of a teacher who,—

(a) at any time during the War 1939-1945 was a member of His Majesty's forces or engaged on special war service designated by the regulations; and

(b) at the time of entering the forces or becoming engaged on such service was a teacher or was training to be a teacher at a provincial normal school or the Ontario College of Education,

he may give notification of his withdrawal under subsection 1 by registered letter posted not later than six months after he ceased to be in the forces or special war service or the 31st day of December, 1947, whichever is the later date.

2. Section 10 of *The Teaching Profession Act, 1944*, is ^{1944,} amended by adding thereto the following clauses: ^{c. 64, s. 10,} ^{amended.}

(bb) providing for voluntary membership in the Federation of persons who are not members thereof;

(cc) designating the services and organizations which shall be deemed to be special war services for the purposes of subsection 2 of section 4.

3. This Act shall come into force on the 1st day of June, 1947. ^{Commence-} ^{ment of Act.}

4. This Act may be cited as *The Teaching Profession* ^{Short title.} ^{Amendment Act, 1947.}

An Act to amend The Teaching
Profession Act, 1944.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. DREW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Teaching Profession Act, 1944.

MR. DREW

BILL

An Act to amend The Teaching Profession Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Teaching Profession Act, 1944*, is ^{1944,} amended by adding thereto the following subsection: ^{c. 64, s. 4,} ^{amended.}

(2) In the case of a teacher who,—

(a) at any time during the War 1939-1945 was a member of His Majesty's forces or engaged on special war service designated by the regulations; and

(b) at the time of entering the forces or becoming engaged on such service was a teacher or was training to be a teacher at a provincial normal school or the Ontario College of Education,

he may give notification of his withdrawal under subsection 1 by registered letter posted not later than six months after he ceased to be in the forces or special war service or the 31st day of December, 1947, whichever is the later date.

2. Section 10 of *The Teaching Profession Act, 1944*, is ^{1944,} amended by adding thereto the following clauses: ^{c. 64, s. 10,} ^{amended.}

(bb) providing for voluntary membership in the Federation of persons who are not members thereof;

.

(cc) designating the services and organizations which shall be deemed to be special war services for the purposes of subsection 2 of section 4.

3. This Act shall come into force on the 1st day of June, 1947. ^{Commence-} ^{ment of Act.}

4. This Act may be cited as *The Teaching Profession Amendment Act, 1947*. ^{Short title.}

BILL
An Act to amend The Teaching
Profession Act, 1944.

1st Reading

March 19th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. DREW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Public Schools Act.

MR. DREW

EXPLANATORY NOTES

SECTION 1. Subsection 7*b* is now re-enacted as subsections 7*a* and 7*b* and makes it clear that the councils of the township or townships in which a township school area is established have the right to authorize the issue of debentures.

SECTION 2. This new section gives to the council of a township over which a board of education has jurisdiction under *The Boards of Education Act*, the right to authorize the issue of debentures.

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7b of section 15 of *The Public Schools Act*, Rev. Stat., c. 357, s. 15, as enacted by subsection 2 of section 16 of *The School Law* subs. 7b (1939), *Amendment Act, 1939*, is repealed and the following substituted c. 44, s. 16, subs. 2), re-enacted. therefor:

(7a) The board of a township school area shall have the same powers as an urban public school board in the matter of the selection and purchase of school sites, the filling of vacancies on the board, and other matters of an incidental or similar nature. Powers of township school area board.

(7b) The council or councils of the township or townships in which a township school area has been established, upon the application of the board of the township school area, shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 54, and the provisions of subsections 2, 3, 4 and 6 of section 54 shall, *mutatis mutandis*, apply. Power of council to issue debentures.

2. *The Public Schools Act* is amended by adding thereto the following heading and section: Rev. Stat., c. 357, amended.

In Township under Board of Education

54a. The council of a township over which a board of education has jurisdiction, upon the application of the board of education, shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 54, and the provisions of subsections 2, 3, 4 and 6 of section 54 shall, *mutatis mutandis*, apply. Power to issue debentures where board of education has jurisdiction.

Rev. Stat.,
c. 357,
amended.

3. *The Public Schools Act* is amended by adding thereto the following section:

Public school
on Crown
lands.

62a.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he may deem proper.

Powers of
board.

(2) The board so appointed shall be a body corporate by the name indicated in the order establishing the rural school section, and shall have all the authority of a board of public school trustees for the purposes of this Act.

Rev. Stat.,
c. 357, s. 87,
subs. 2,
amended.

4.—(1) Subsection 2 of section 87 of *The Public Schools Act* is amended by striking out the words and figures "sections 111 and 112" in the eleventh line and inserting in lieu thereof the word and figures "section 112", so that the said subsection shall now read as follows:

Providing
for admis-
sion of
pupils from
rural school
section to
urban or
Indian
schools.

(2) The board of a rural section may provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of section 112.

Rev. Stat.,
c. 357, s. 87,
subs. 4,
amended.

(2) Subsection 4 of the said section 87 is amended by striking out the words and figures "subsection 1 of section 111 and" in the fifth line, so that the said subsection shall now read as follows:

Expenses
payable by
township.

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsections 1 and 2 of section 112, to be levied, collected and applied to teachers' salaries.

Rev. Stat.,
c. 357, s. 110,
repealed.

5. Section 110 of *The Public Schools Act* is repealed.

SECTION 3. This new section authorizes the Minister to establish public school sections on Crown lands, and to appoint a board which is to have the powers of a board of public school trustees.

SECTIONS 4 and 6. These amendments merely delete references to section 111 which was repealed in 1945.

SECTION 5. As the county no longer assists in the distribution of the legislative grant, section 110 is unnecessary.

6. Subsection 1 of section 115 of *The Public Schools Act* ^{Rev. Stat., c. 357, s. 115, subs. 1, amended.} is amended by striking out the figures and word "111 to" in the second line and inserting in lieu thereof the figures and word "112 and", so that the said subsection shall now read as follows:

- (1) Subject to the provisions of sections 21 to 27, the ^{Consolidated schools.} provisions of sections 112 and 113 shall apply to consolidated schools, but the amount of the township grant provided for by section 112 shall not be less than the total amount which would be paid to the boards of trustees of the school sections included in the consolidated school section had the sections not been consolidated, and if more teachers are employed in the consolidated school than were employed in the school sections, the grant shall be as for a principal teacher for each school consolidated, and as for an assistant teacher for each teacher in excess of the number of teachers employed in the sections at the time when consolidation took place.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had ^{Commencement of Act.} effect on and after the 1st day of January, 1947.

8. This Act may be cited as *The Public Schools Amendment Act, 1947.* ^{Short title.}

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. DREW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Public Schools Act.

MR. DREW

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7b of section 15 of *The Public Schools Act*, Rev. Stat., c. 357, s. 15, as enacted by subsection 2 of section 16 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor: subs. 7b (1939, c. 44, s. 16, subs. 2), re-enacted.

(7a) The board of a township school area shall have the same powers as an urban public school board in the matter of the selection and purchase of school sites, the filling of vacancies on the board, and other matters of an incidental or similar nature. Powers of township school area board.

(7b) The council or councils of the township or townships in which a township school area has been established, upon the application of the board of the township school area, shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 54, and the provisions of subsections 2, 3, 4 and 6 of section 54 shall, *mutatis mutandis*, apply. Power of council to issue debentures.

2. *The Public Schools Act* is amended by adding thereto the following heading and section: Rev. Stat., c. 357, amended.

In Township under Board of Education

54a. The council of a township over which a board of education has jurisdiction, upon the application of the board of education, shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 54, and the provisions of subsections 2, 3, 4 and 6 of section 54 shall, *mutatis mutandis*, apply. Power to issue debentures where board of education has jurisdiction.

Rev. Stat.,
c. 357,
amended.

3. *The Public Schools Act* is amended by adding thereto the following section:

Public school
on Crown
lands.

62a.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he may deem proper.

Powers of
board.

(2) The board so appointed shall be a body corporate by the name indicated in the order establishing the rural school section, and shall have all the authority of a board of public school trustees for the purposes of this Act.

Rev. Stat.,
c. 357, s. 87,
subs. 2,
amended.

4.—(1) Subsection 2 of section 87 of *The Public Schools Act* is amended by striking out the words and figures "sections 111 and 112" in the eleventh line and inserting in lieu thereof the word and figures "section 112", so that the said subsection shall now read as follows:

Providing
for admis-
sion of
pupils from
rural school
section to
urban or
Indian
schools.

(2) The board of a rural section may provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of section 112.

Rev. Stat.,
c. 357, s. 87,
subs. 4,
amended.

(2) Subsection 4 of the said section 87 is amended by striking out the words and figures "subsection 1 of section 111 and" in the fifth line, so that the said subsection shall now read as follows:

Expenses
payable by
township.

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsections 1 and 2 of section 112, to be levied, collected and applied to teachers' salaries.

Rev. Stat.,
c. 357, s. 110,
repealed.

5. Section 110 of *The Public Schools Act* is repealed.

6. Subsection 1 of section 115 of *The Public Schools Act* ^{Rev. Stat., c. 357, s. 115, subs. 1, amended.} is amended by striking out the figures and word "111 to" in the second line and inserting in lieu thereof the figures and word "112 and", so that the said subsection shall now read as follows:

- (1) Subject to the provisions of sections 21 to 27, the ^{Consolidated schools.} provisions of sections 112 and 113 shall apply to consolidated schools, but the amount of the township grant provided for by section 112 shall not be less than the total amount which would be paid to the boards of trustees of the school sections included in the consolidated school section had the sections not been consolidated, and if more teachers are employed in the consolidated school than were employed in the school sections, the grant shall be as for a principal teacher for each school consolidated, and as for an assistant teacher for each teacher in excess of the number of teachers employed in the sections at the time when consolidation took place.

7. This Act shall come into force on the day upon which it ^{Commence-} receives the Royal Assent and shall be deemed to have had ^{ment of Act.} effect on and after the 1st day of January, 1947.

8. This Act may be cited as *The Public Schools Amendment* ^{Short title.} Act, 1947.

An Act to amend The Public Schools Act.

1st Reading

March 19th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. DREW

No. 83

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Auxiliary Classes Act.

MR. DREW

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Under the section as worded at present there is no limit to the types of auxiliary classes that a board may establish. It is desirable to limit the authority to the types of classes designated by the regulations.

SECTION 2. Self-explanatory.

BILL

An Act to amend The Auxiliary Classes Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Auxiliary Classes Act* is amended by adding at the commencement thereof the words "Subject to the regulations," so that the said section shall now read as follows:

Rev. Stat.,
c. 358, s. 2,
amended.

2. Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause unable to take proper advantage of the ordinary public or separate schools courses.

Classes
which may
be estab-
lished.

2. *The Auxiliary Classes Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 358,
amended.

2a. A public, separate or high school board or board of education of a municipality having a population of over 50,000, may establish oral day classes to accommodate all the deaf children within its jurisdiction, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, provided that any child who is under eleven years of age on the 1st day of September in any year may, subject to the regulations respecting admission thereto, attend The Ontario School for the Deaf.

Classes
for deaf
children.

Proviso.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Commence-
ment of Act.

4. This Act may be cited as *The Auxiliary Classes Amendment Act, 1947*.

Short title.

An Act to amend The Auxiliary
Classes Act.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. DREW

No. 83

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Auxiliary Classes Act. .

MR. DREW

No. 83

1947

BILL

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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Classes
for deaf
children.

Proviso.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Commence-
ment of Act.

4. This Act may be cited as *The Auxiliary Classes Amendment Act, 1947*.

Short title.

An Act to amend The Auxiliary
Classes Act.

1st Reading

March 19th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. DREW

No. 84

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Continuation Schools Act.

MR. DREW

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Complementary to section 2 of the Bill.

SECTION 2. Section 2 of the Act is re-enacted for clarification and in view of the fact that grade C continuation schools are no longer authorized.

SECTION 3. This section is a recasting and consolidation of the present section 3 of the Act. The principal changes from the present section are as follows:

Subsection 1. The provisions of the present subsections 1, 1a, 1b and 1c are consolidated and simplified.

Subsections 2 to 11. Re-enact without change in principle the present subsections 2, 2a, 3, 4, 5, 5a, 6, 8, 9 and 10. There is no subsection 7 in the section at present.

Subsections 12 and 13. Permit the township council, subject to the approval of the Minister, to decide whether the township school area board or the former trustees shall constitute the continuation school board, and provide for the maintenance costs in either event.

Subsection 14. Simplifies the composition of the board where a township school area absorbs certain school sections of a continuation school district but other sections of the district remain outside the township school area.

BILL

An Act to amend The Continuation Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of section 1 of *The Continuation Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 1, cl. g, re-enacted.

(g) "Regulations" shall mean regulations made under *The Department of Education Act* or this Act. "Regulations", Rev. Stat., c. 356.

2. Section 2 of *The Continuation Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 2, re-enacted.

2.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations prescribing the requirements for schools which may be classified as grade A and grade B continuation schools respectively. Regulations re requirements for grade A or B schools.

(2) Subject to the regulations, the Minister may classify each continuation school as a grade A or grade B continuation school. Classification of schools.

3. Section 3 of *The Continuation Schools Act* as amended by section 3 of *The School Law Amendment Act, 1939*, section 1 of *The School Law Amendment Act, 1940*, section 2 of *The School Law Amendment Act, 1941*, section 2 of *The School Law Amendment Act, 1945*, and section 1 of *The Continuation Schools Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 3, re-enacted.

3.—(1) Subject to the regulations and to the approval of the Minister, the public school board of a municipality, school section or township school area or a separate school board may establish and maintain a continuation school with a staff of at least two full-time teachers, and for continuation school purposes such board shall be a body corporate and shall be Establishment of continuation schools.

styled "The Board of Trustees of the Continuation School of

Powers of board.

- (2) The board shall have in respect of such continuation school all the powers conferred on public or separate school boards as to acquiring a school site, erecting buildings and additions to existing buildings, and providing equipment for and paying the cost of permanent improvements, and of the maintenance of such continuation schools.

Powers of board.

- (3) The board shall have, in respect of such continuation school, the same powers as a high school board to provide for the transportation of resident and county pupils.

Agreements between boards for joint maintenance and establishment.

- (4) Subject to the regulations and to the approval of the Minister, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards for the benefit of the pupils from all such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be paid by each of such boards or shall provide for the manner in which such proportion shall be determined.

Management of continuation school under board.

- (5) A continuation school established under subsection 4 shall be under the control and management of a board composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Board to be body corporate.

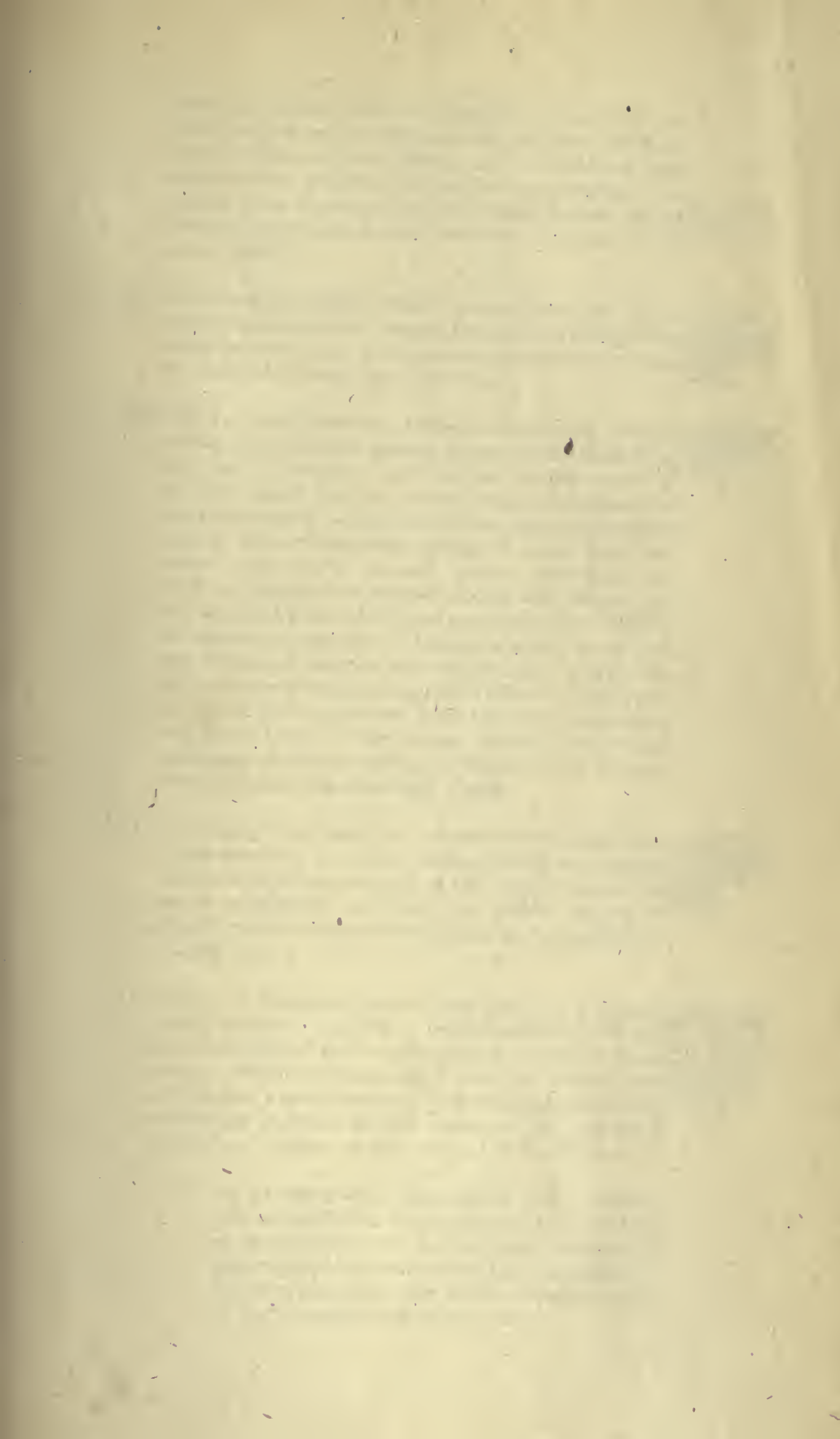
- (6) The board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of the" (*naming the municipality or school section or sections*).

Powers of board.

- (7) The board shall have the same powers as are vested in a board under subsections 2 and 3.

Apportionment of cost in union school sections.

- (8) Where the board of a union school section establishes or enters into an agreement with any other board for the establishment of a continuation school, the council of each municipality included, or part of which is included in the union school section, shall



levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such continuation school according to the equalized assessment as provided by *The Public Schools Act* of the part of the union school section comprised in the municipality. Rev. Stat., c. 357.

- (9) Where a continuation school is established by one or more separate school boards, the amount to be levied shall be levied upon the supporters of separate schools established by such board or boards. Levy for school established by separate school board.
- (10) Where a continuation school district lies wholly within a county, the council of the county shall have the right to appoint one member to the board of trustees which has the control and management of the continuation school, and where the continuation school district comprises parts of more than one county the council of each county shall have the right to appoint one member to the said board, and any or all of such additional members may reside in the county or counties to represent which he or they are appointed outside the continuation school district and such trustees shall hold office for two years and until their successors have been duly appointed and shall have all the duties, rights, powers and privileges of other members of the board in all matters relating to continuation schools. County representative for school board.
- (11) A member of a board of a continuation school who is appointed by the county council shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public school or schools which are under the control and management of such board. County representative not to vote on public school matters.
- (12) Where a township school area absorbs a former school section in which a continuation school has been established under subsection 1, or two or more former school sections the boards of which have established a continuation school by agreement under subsection 4, then at the option of the township council and subject to the approval of the Minister,— Board and maintenance where township school area absorbs continuation school created under subs. 1.
- (a) the township school area board shall constitute the continuation school board, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in the township school area; or

- (b) trustees shall be elected for the purpose of such continuation school by the ratepayers of the former school section or sections under whose control and management the continuation school was established, in the same manner as though such section or sections had not been included in the township school area, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in such former school section or sections.

Board and maintenance where township school area absorbs continuation school created under subs. 4.

- (13) Where a township school area absorbs a former school section or sections the board or boards of which have established a continuation school by agreement under subsection 4 in conjunction with one or more separate school boards, then at the option of the township council and subject to the approval of the Minister,—

- (a) the township school area board and two members appointed by each separate school board which entered into the agreement under subsection 4, shall constitute the continuation school board, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in the township school area and by a rate levied on the property of the separate school supporters liable to assessment under the terms of the agreement; or
- (b) trustees shall be elected for the purpose of such continuation school by the ratepayers of the former school section or sections and appointed by the separate school board or boards, under whose joint control and management the continuation school was established, in the same manner as though such school section or sections had not been included in the township school area, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in such former school section or sections and by a rate levied on the property of the separate school supporters liable to assessment under the terms of the agreement; provided that two trustees only shall be

SECTION 4. Complementary to the re-enactment of section 3 of the Act by section 3 of the Bill.

SECTION 5. The subsection repealed is no longer necessary as grade C continuation schools are no longer authorized.

SECTION 6. This amendment is necessary in view of the amendments to section 3 of the Act made in 1946.

elected by the ratepayers of each former school section and two trustees only shall be appointed by each separate school board.

- (14) Where a township school area absorbs some but not all of the school sections the boards of which have established a continuation school by agreement under subsection 4, whether in conjunction with one or more separate school boards or not, the continuation school board shall be composed of,—

where all school sections not absorbed.

- (a) the township school area board;
- (b) two members of each separate school board, if any, which is a party to the agreement; and
- (c) where the board of a school section which is not absorbed in the township school area, is a party to the agreement, two members of such board.

4. Subsection 2 of section 3a of *The Continuation Schools Act*, as enacted by section 2 of *The Continuation Schools Amendment Act, 1946*, is amended by striking out the figure "3" in the second line and inserting in lieu thereof the figure "4", so that the said subsection shall now read as follows:

Rev. Stat., c. 359, s. 3a, subs. 2 (1946, c. 12, s. 2), amended.

- (2) Subject to the approval of the Minister, the board of a continuation school established under subsection 4 of section 3 may by resolution dissolve such continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the respective boards by which it was established according to the terms of the agreement entered into thereunder.

Dissolution of continuation school.

5. Subsection 2 of section 8 of *The Continuation Schools Act* is repealed.

Rev. Stat., c. 359, s. 8, subs. 2, repealed.

6. Section 15 of *The Continuation Schools Act*, as amended by section 4 of *The School Law Amendment Act, 1941*, is further amended by striking out the word "committee" where it occurs in the amendment of 1941 and inserting in lieu thereof the word "board", so that the said section shall now read as follows:

Rev. Stat., c. 359, s. 15, amended.

15. Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board or a board established under section 3 of this Act as are applicable and are not inconsistent with this Act, shall be read as part of this Act.

Application of Rev. Stat., c. 357.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

8. This Act may be cited as *The Continuation Schools Amendment Act, 1947*.

An Act to amend The Continuation
Schools Act.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. DREW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Continuation Schools Act.

MR. DREW

BILL

An Act to amend The Continuation Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Continuation Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 1, cl. *g*, re-enacted.

(*g*) "Regulations" shall mean regulations made under *The Department of Education Act* or this Act. "Regulations" Rev. Stat., c. 356.

2. Section 2 of *The Continuation Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 2, re-enacted.

2.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations prescribing the requirements for schools which may be classified as grade A and grade B continuation schools respectively. Regulations re requirements for grade A or B schools.

(2) Subject to the regulations, the Minister may classify each continuation school as a grade A or grade B continuation school. Classification of schools.

3. Section 3 of *The Continuation Schools Act* as amended by section 3 of *The School Law Amendment Act, 1939*, section 1 of *The School Law Amendment Act, 1940*, section 1 of *The School Law Amendment Act, 1941*, section 2 of *The School Law Amendment Act, 1945*, and section 1 of *The Continuation Schools Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 3, re-enacted.

3.—(1) Subject to the regulations and to the approval of the Minister, the public school board of a municipality, school section or township school area or a separate school board may establish and maintain a continuation school with a staff of at least two full-time teachers, and for continuation school purposes such board shall be a body corporate and shall be Establishment of continuation schools.

styled "The Board of Trustees of the Continuation School of _____".

Powers of board.

- (2) The board shall have in respect of such continuation school all the powers conferred on public or separate school boards as to acquiring a school site, erecting buildings and additions to existing buildings, and providing equipment for and paying the cost of permanent improvements, and of the maintenance of such continuation schools.

Powers of board.

- (3) The board shall have, in respect of such continuation school, the same powers as a high school board to provide for the transportation of resident and county pupils.

Agreements between boards for joint maintenance and establishment.

- (4) Subject to the regulations and to the approval of the Minister, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards for the benefit of the pupils from all such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be paid by each of such boards or shall provide for the manner in which such proportion shall be determined.

Management of continuation school under board.

- (5) A continuation school established under subsection 4 shall be under the control and management of a board composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Board to be body corporate.

- (6) The board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of the _____" (*naming the municipality or school section or sections*).

Powers of board.

- (7) The board shall have the same powers as are vested in a board under subsections 2 and 3.

Apportionment of cost in union school sections.

- (8) Where the board of a union school section establishes or enters into an agreement with any other board for the establishment of a continuation school, the council of each municipality included, or part of which is included in the union school section, shall

levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such continuation school according to the equalized assessment as provided by *The Public Schools Act* of the part of the union school section comprised in the municipality. Rev. Stat., c. 357.

- (9) Where a continuation school is established by one or more separate school boards, the amount to be levied shall be levied upon the supporters of separate schools established by such board or boards. Levy for school established by separate school board.
- (10) Where a continuation school district lies wholly within a county, the council of the county shall have the right to appoint one member to the board of trustees which has the control and management of the continuation school, and where the continuation school district comprises parts of more than one county the council of each county shall have the right to appoint one member to the said board, and any or all of such additional members may reside in the county or counties to represent which he or they are appointed outside the continuation school district and such trustees shall hold office for two years and until their successors have been duly appointed and shall have all the duties, rights, powers and privileges of other members of the board in all matters relating to continuation schools. County representative for school board.
- (11) A member of a board of a continuation school who is appointed by the county council shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public school or schools which are under the control and management of such board. County representative not to vote on public school matters.
- (12) Where a township school area absorbs a former school section in which a continuation school has been established under subsection 1, or two or more former school sections the boards of which have established a continuation school by agreement under subsection 4, then at the option of the township council and subject to the approval of the Minister,— Board and maintenance where township school area absorbs continuation school created under subs. 1.
- (a) the township school area board shall constitute the continuation school board, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in the township school area; or

- (b) trustees shall be elected for the purpose of such continuation school by the ratepayers of the former school section or sections under whose control and management the continuation school was established, in the same manner as though such section or sections had not been included in the township school area, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in such former school section or sections.

Board and maintenance where township school area absorbs continuation school created under subs. 4.

- (13) Where a township school area absorbs a former school section or sections the board or boards of which have established a continuation school by agreement under subsection 4 in conjunction with one or more separate school boards, then at the option of the township council and subject to the approval of the Minister,—

- (a) the township school area board and two members appointed by each separate school board which entered into the agreement under subsection 4, shall constitute the continuation school board, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in the township school area and by a rate levied on the property of the separate school supporters liable to assessment under the terms of the agreement; or

- (b) trustees shall be elected for the purpose of such continuation school by the ratepayers of the former school section or sections and appointed by the separate school board or boards, under whose joint control and management the continuation school was established, in the same manner as though such school section or sections had not been included in the township school area, and the cost of maintaining such continuation school shall be provided by a rate levied on the property liable to assessment for public school purposes in such former school section or sections and by a rate levied on the property of the separate school supporters liable to assessment under the terms of the agreement; provided that two trustees only shall be

elected by the ratepayers of each former school section and two trustees only shall be appointed by each separate school board.

- (14) Where a township school area absorbs some but not all of the school sections the boards of which have established a continuation school by agreement under subsection 4, whether in conjunction with one or more separate school boards or not, the continuation school board shall be composed of,—

Where all school sections not absorbed.

- (a) the township school area board;
- (b) two members of each separate school board, if any, which is a party to the agreement; and
- (c) where the board of a school section which is not absorbed in the township school area, is a party to the agreement, two members of such board.

4. Subsection 2 of section 3a of *The Continuation Schools Act*, as enacted by section 2 of *The Continuation Schools Amendment Act, 1946*, is amended by striking out the figure "3" in the second line and inserting in lieu thereof the figure "4", so that the said subsection shall now read as follows:

Rev. Stat., c. 359, s. 3a, subs. 2 (1946, c. 12, s. 2), amended.

- (2) Subject to the approval of the Minister, the board of a continuation school established under subsection 4 of section 3 may by resolution dissolve such continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the respective boards by which it was established according to the terms of the agreement entered into thereunder.

Dissolution of continuation school.

5. Subsection 2 of section 8 of *The Continuation Schools Act* is repealed.

Rev. Stat., c. 359, s. 8, subs. 2, repealed.

6. Section 15 of *The Continuation Schools Act*, as amended by section 4 of *The School Law Amendment Act, 1941*, is further amended by striking out the word "committee" where it occurs in the amendment of 1941 and inserting in lieu thereof the word "board", so that the said section shall now read as follows:

Rev. Stat., c. 359, s. 15, amended.

15. Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board or a board established under section 3 of this Act as are applicable and are not inconsistent with this Act, shall be read as part of this Act.

Application of Rev. Stat., c. 357.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

8. This Act may be cited as *The Continuation Schools Amendment Act, 1947*.

An Act to amend The Continuation
Schools Act.

1st Reading

March 19th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. DREW

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Companies Act.

MR. MICHENER

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Subsection 1 of section 24 of the Act provides the incidental and ancillary powers given to all companies. It is desirable that the power set out in the new clause should be given.

SECTION 2. Subsection 1 of section 32 of the Act is redrafted for clarification, and provision is made whereby the company may surrender its charter although it cannot completely distribute its assets to the shareholders or members, if it disposes of the part it cannot distribute in trust for the persons entitled.

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Companies Act*, as amended by subsection 1 of section 3 of *The Statute Law Amendment Act, 1939*, is further amended by adding thereto the following clause:

Rev. Stat.,
c. 251, s. 24,
subs. 1,
amended.

- (v) invest and deal with the moneys of the company not immediately required in such manner as may from time to time be determined.

2. Subsection 1 of section 32 of *The Companies Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 251, s. 32,
subs. 1,
re-enacted.

- (1) The charter of a corporation incorporated by letters patent may be surrendered if the corporation proves to the satisfaction of the Lieutenant-Governor,—

Surrender
of charter.

- (a) that it has parted with its property and has divided its assets rateably among its shareholders or members, provided that where any of the shareholders or members are unknown or cannot be located, their distributive share may be disposed of in trust for such shareholders or members; and

- (b) that,

- (i) it has no debts or obligations, or
- (ii) its debts or obligations have been duly provided for or protected, or
- (iii) its creditors or other persons having interests in its debts or obligations consent; and

- (c) that the corporation has given notice of application for leave to surrender its charter by publication once in the *Ontario Gazette* and once in a newspaper published at or as near as may be to the place where the corporation has its head office.

Rev. Stat.,
c. 251,
amended.

3. *The Companies Act* is amended by adding thereto the following section:

Forfeiture
of undis-
posed of
property.

34a. Any real or personal property of a company, which has not been disposed of at the date of dissolution, shall be forfeited to the Crown.

Rev. Stat.,
c. 251, s. 62,
subs. 1,
re-enacted.

4. Subsection 1 of section 62 of *The Companies Act* is repealed and the following substituted therefor:

Deposit of
foreign
probate,
letters of
administra-
tion, etc.,
with officer
of company.

(1) Subject to the provisions of *The Succession Duty Act, 1939*, where,—

1939, 2nd
Sess., c. 1.

(a) a transmission of shares or other securities of a company takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy; and

(b) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in the Dominion of Canada, or in the United Kingdom of Great Britain and Northern Ireland, or in any other of His Majesty's dominions, or in any of His Majesty's colonies or dependencies or in any foreign country,

the said probate of the will or the said letters of administration or the said document testamentary or, in the case of a transmission by notarial will in the Province of Quebec, a copy thereof duly certified in accordance with the laws of the said Province, or the said other judicial or official instrument, or an authenticated copy thereof or official extract therefrom under the seal of such court or other authority, without any proof of the authenticity of such seal or other proof whatever, shall be produced, and a true copy thereof, together with a declaration in writing showing the nature of such transmission, signed and executed by such one or more of the

SECTION 3. Self-explanatory.

SECTION 4. This amendment follows the section of the Dominion Act. The only changes in principle from the present subsection are—

- (i) provisions is made for a transmission by notarial will in the Province of Quebec; and
- (ii) an authenticated copy of the original probate must be produced, but need no longer be filed. A true copy is all that must be filed under the new subsection.

SECTION 5. At present a director must be a shareholder absolutely in his own right. Under the amended section it is sufficient if he is a shareholder.

SECTION 6. The repealed part deals with returns of allotments of shares and no longer serves any useful purpose.

SECTION 7. The present subsection reads as follows:

(1c) Purposes connected with the company shall be deemed to include any effort to influence the voting of shareholders at a special or general meeting of the company or the acquisition or offering of shares for the purpose of acquiring control or effecting an amalgamation or reorganization or for any other purpose approved in any case by the Provincial Secretary under his hand.

persons claiming by virtue thereof as the company may require, or, if any such person be any other company, signed and executed by an officer of such other company, shall be deposited with an officer of the company or other person authorized by the directors of the company to receive them.

5. Section 87 of *The Companies Act* is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 87, re-enacted.

- 87.—(1) Subject to the provisions of subsection 3, no person shall hold office as a director unless he is a shareholder of the company and where any director ceases to be a shareholder he shall thereupon cease to be a director. Qualification of directors.
- (2) No person who is an undischarged bankrupt shall hold office as a director and where any director becomes a bankrupt he shall thereupon cease to be a director. Director not to be a bankrupt.
- (3) When a corporation holds shares in trust as executor, administrator, guardian, trustee or committee of a testator, intestate, infant, *cestui que trust* or mentally incompetent person, any officer or officers of such corporation may be elected as a director or directors and when such corporation ceases to hold such shares in trust, any officer so elected shall thereupon cease to be a director. Corporation holding shares in trust as director.
- (4) A director holding shares only in trust as executor, administrator, guardian, trustee or committee of a testator, intestate, infant, *cestui que trust* or mentally incompetent person, or a director elected under the provisions of subsection 3 shall not be personally liable under the provisions of section 97, but the estate or other beneficial owner of the shares held in trust by such director or by the corporation of which such director is an officer shall be subject to all the liabilities imposed upon directors by section 97. Liability of corporation holding directors and persons holding shares in trust.

6. Part VIII of *The Companies Act*, as amended by section 2 of *The Companies Amendment Act, 1941*, is repealed. Rev. Stat., c. 251, Part VIII, repealed.

7. Subsection 1c of section 105 of *The Companies Act*, as enacted by section 2 of *The Companies Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 105, subs. 1c (1946, c. 10, s. 2), re-enacted.

- (1c) Purposes connected with the company shall be deemed to include any effort to influence the voting Purposes connected with the company defined.

of shareholders at a special or general meeting of the company or the acquisition or offering of shares to acquire control or to effect an amalgamation or re-organization, or any other purpose approved by the Provincial Secretary.

Rev. Stat.,
c. 251,
s. 125,
amended.

8. Section 125 of *The Companies Act* is amended by adding at the end thereof the words "entitled to vote at such meeting", so that the said section shall now read as follows:

Sanctioning
by-laws by
written
consent of
all share-
holders.

125. Any by-law by this Act requiring confirmation by the shareholders or members of the corporation may in lieu of confirmation at a general meeting be confirmed by the consent in writing of all the shareholders or members entitled to vote at such meeting.

Rev. Stat.,
c. 251,
s. 221,
subs. 3,
repealed.

9. Subsection 3 of section 221 of *The Companies Act* is repealed.

Rev. Stat.,
c. 251,
s. 272,
subs. 1,
amended.

10. Subsection 1 of section 272 of *The Companies Act* is amended by striking out the word "Three" at the commencement and inserting in lieu thereof the words "A majority of the", so that the said subsection shall now read as follows:

Quorum of
directors.

(1) A majority of the directors shall constitute a quorum for the transaction of business, and in the case of an equality of votes at any meeting the question shall pass in the negative.

Commence-
ment of Act.

11. This Act shall come into force on the 1st day of June, 1947.

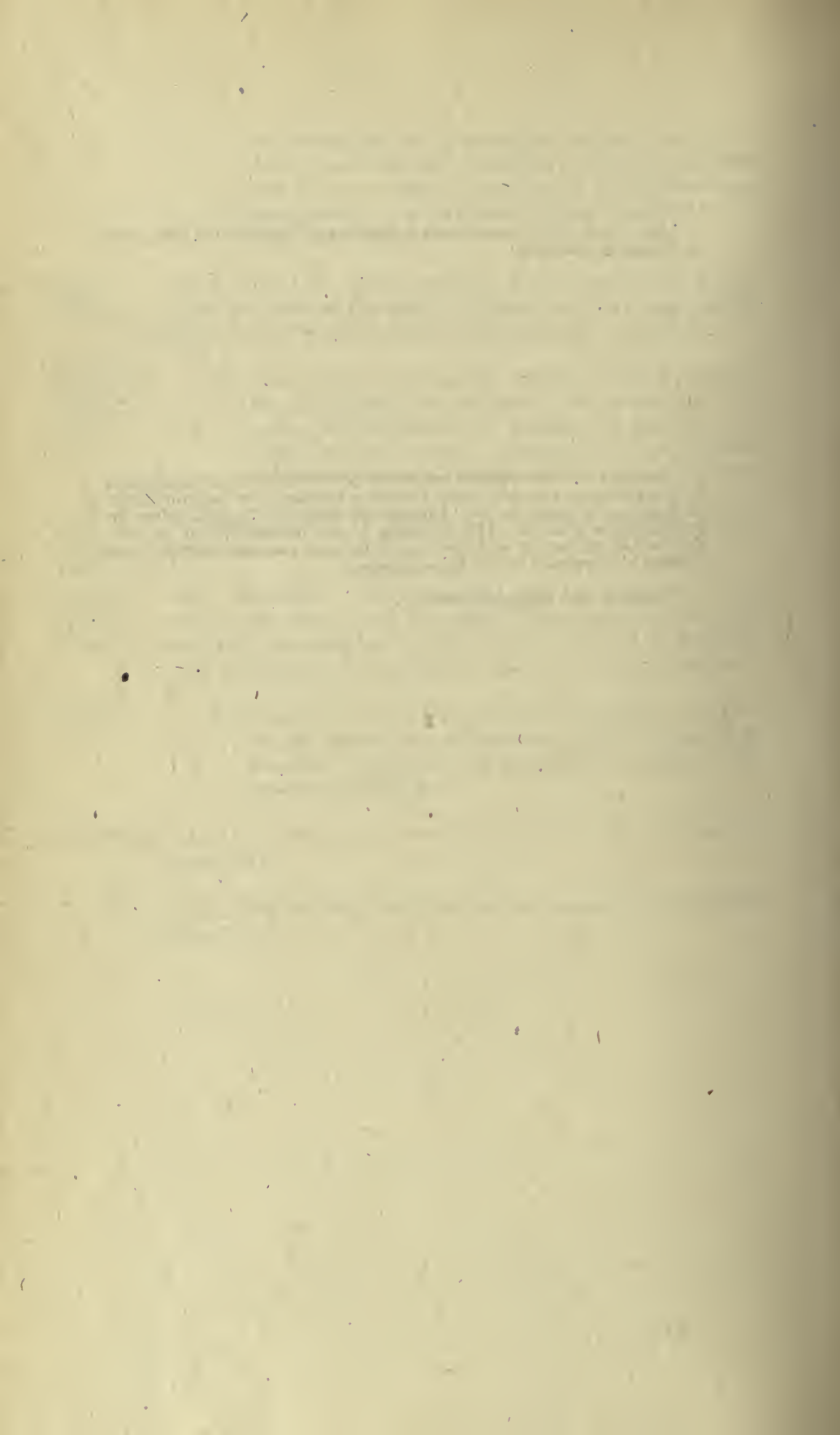
Short title.

12. This Act may be cited as *The Companies Amendment Act, 1947*.

SECTION 8. This amendment is inserted for clarification only, with no change in principle.

SECTION 9. The repealed subsection provides that on an application for incorporation as a joint stock insurance company, the Superintendent shall prepare a report for the Lieutenant-Governor in Council, before the application is granted. This provision is not necessary, and by subsection 3 of section 219 no letters patent for such purposes shall be issued without the approval of the Superintendent.

SECTION 10. Self-explanatory.



An Act to amend The Companies Act.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. MICHENER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Companies Act.

MR. MICHENER

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Companies Act*, as amended by subsection 1 of section 3 of *The Statute Law Amendment Act, 1939*, is further amended by adding thereto the following clause:

Rev. Stat.,
c. 251, s. 24.
subs. 1,
amended.

- (v) invest and deal with the moneys of the company not immediately required in such manner as may from time to time be determined.

2. Subsection 1 of section 32 of *The Companies Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 251, s. 32,
subs. 1,
re-enacted.

- (1) The charter of a corporation incorporated by letters patent may be surrendered if the corporation proves to the satisfaction of the Lieutenant-Governor,—

Surrender
of charter.

- (a) that it has parted with its property and has divided its assets rateably among its shareholders or members, provided that where any of the shareholders or members are unknown or cannot be located, their distributive share may be disposed of in trust for such shareholders or members; and

- (b) that,

- (i) it has no debts or obligations, or
- (ii) its debts or obligations have been duly provided for or protected, or
- (iii) its creditors or other persons having interests in its debts or obligations consent; and

- (c) that the corporation has given notice of application for leave to surrender its charter by publication once in the *Ontario Gazette* and once in a newspaper published at or as near as may be to the place where the corporation has its head office.

Rev. Stat.,
c. 251,
amended.

3. *The Companies Act* is amended by adding thereto the following section:

Forfeiture
of undis-
posed of
property.

- 34a. Any real or personal property of a company, which has not been disposed of at the date of dissolution, shall be forfeited to the Crown.

Rev. Stat.,
c. 251, s. 62,
subs. 1,
re-enacted.

4. Subsection 1 of section 62 of *The Companies Act* is repealed and the following substituted therefor:

Deposit of
foreign
probate,
letters of
administra-
tion, etc.,
with officer
of company.

1939, 2nd
Sess., c. 1.

- (1) Subject to the provisions of *The Succession Duty Act, 1939*, where,—

- (a) a transmission of shares or other securities of a company takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy; and

- (b) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in the Dominion of Canada, or in the United Kingdom of Great Britain and Northern Ireland; or in any other of His Majesty's dominions, or in any of His Majesty's colonies or dependencies or in any foreign country,

the said probate of the will or the said letters of administration or the said document testamentary or, in the case of a transmission by notarial will in the Province of Quebec, a copy thereof duly certified in accordance with the laws of the said Province, or the said other judicial or official instrument, or an authenticated copy thereof or official extract therefrom under the seal of such court or other authority, without any proof of the authenticity of such seal or other proof whatever, shall be produced, and a true copy thereof, together with a declaration in writing showing the nature of such transmission, signed and executed by such one or more of the

persons claiming by virtue thereof as the company may require, or, if any such person be any other company, signed and executed by an officer of such other company, shall be deposited with an officer of the company or other person authorized by the directors of the company to receive them.

5. Section 87 of *The Companies Act* is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 87, re-enacted.

- 87.—(1) Subject to the provisions of subsection 3, no person shall hold office as a director unless he is a shareholder of the company and where any director ceases to be a shareholder he shall thereupon cease to be a director. Qualification of directors.
- (2) No person who is an undischarged bankrupt shall hold office as a director and where any director becomes a bankrupt he shall thereupon cease to be a director. Director not to be a bankrupt.
- (3) When a corporation holds shares in trust as executor, administrator, guardian, trustee or committee of a testator, intestate, infant, *cestui que trust* or mentally incompetent person, any officer or officers of such corporation may be elected as a director or directors and when such corporation ceases to hold such shares in trust, any officer so elected shall thereupon cease to be a director. Corporation holding shares in trust as director.
- (4) A director holding shares only in trust as executor, administrator, guardian, trustee or committee of a testator, intestate, infant, *cestui que trust* or mentally incompetent person, or a director elected under the provisions of subsection 3 shall not be personally liable under the provisions of section 97, but the estate or other beneficial owner of the shares held in trust by such director or by the corporation of which such director is an officer shall be subject to all the liabilities imposed upon directors by section 97. Liability of corporation directors and persons holding shares in trust.

6. Part VIII of *The Companies Act*, as amended by section 2 of *The Companies Amendment Act, 1941*, is repealed. Rev. Stat., c. 251, Part VIII, repealed.

7. Subsection 1c of section 105 of *The Companies Act*, as enacted by section 2 of *The Companies Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 105, subs. 1c (1946, c. 10, s. 2), re-enacted.

- (1c) Purposes connected with the company shall be deemed to include any effort to influence the voting Purposes connected with the company defined.

of shareholders at a special or general meeting of the company or the acquisition or offering of shares to acquire control or to effect an amalgamation or re-organization, or any other purpose approved by the Provincial Secretary.

Rev. Stat.,
c. 251,
s. 125,
amended.

8. Section 125 of *The Companies Act* is amended by adding at the end thereof the words "entitled to vote at such meeting", so that the said section shall now read as follows:

Sanctioning
by-laws by
written
consent of
all share-
holders.

125. Any by-law by this Act requiring confirmation by the shareholders or members of the corporation may in lieu of confirmation at a general meeting be confirmed by the consent in writing of all the shareholders or members entitled to vote at such meeting.

Rev. Stat.,
c. 251,
s. 221,
subs. 3,
repealed.

9. Subsection 3 of section 221 of *The Companies Act* is repealed.

Rev. Stat.,
c. 251,
s. 272,
subs. 1,
amended.

10. Subsection 1 of section 272 of *The Companies Act* is amended by striking out the word "Three" at the commencement and inserting in lieu thereof the words "A majority of the", so that the said subsection shall now read as follows:

Quorum of
directors.

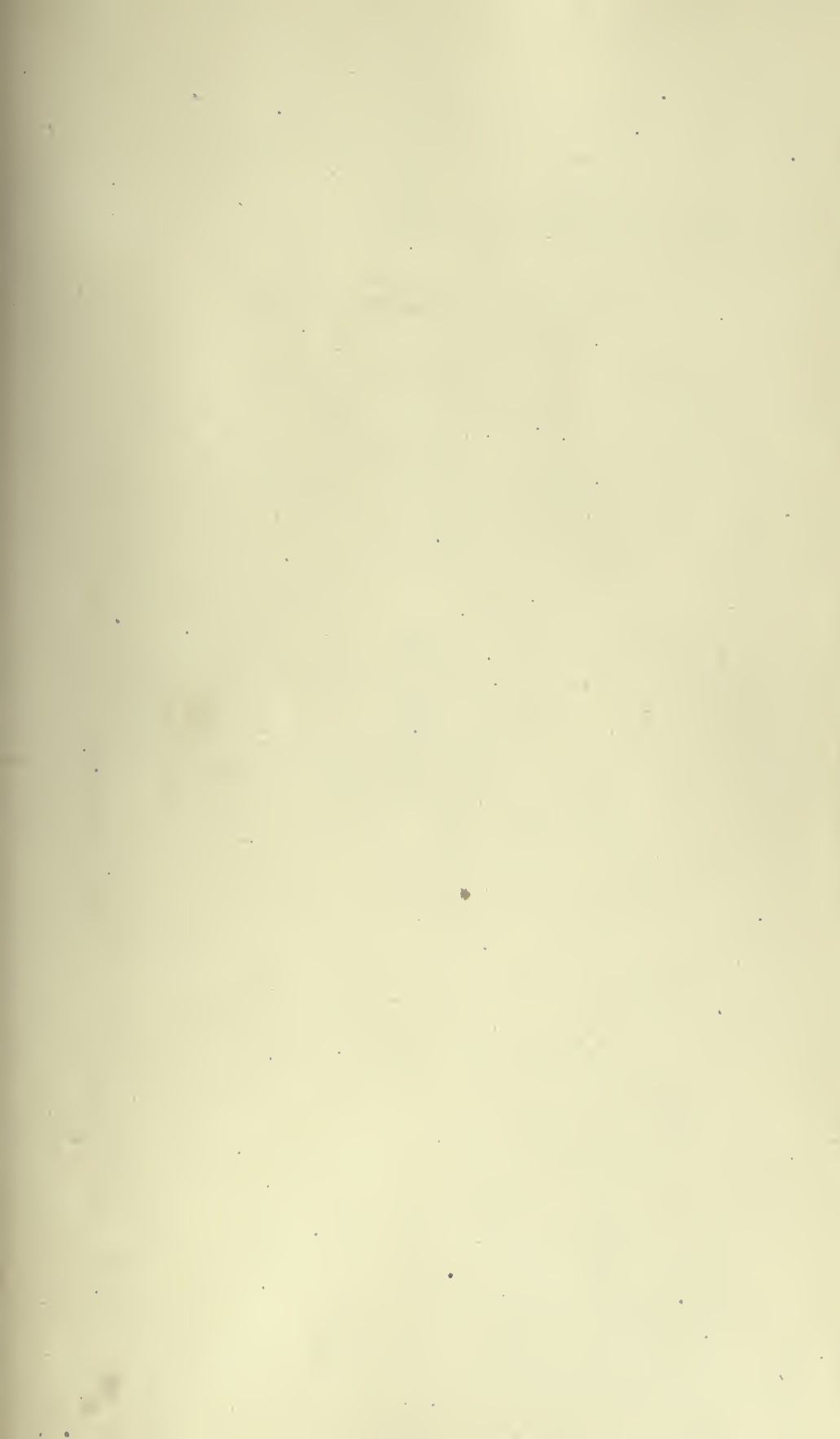
(1) A majority of the directors shall constitute a quorum for the transaction of business, and in the case of an equality of votes at any meeting the question shall pass in the negative.

Commence-
ment of Act.

11. This Act shall come into force on the 1st day of June, 1947.

Short title.

12. This Act may be cited as *The Companies Amendment Act, 1947*.



An Act to amend The Companies Act.

1st Reading

March 19th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. MICHENER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Liquor Licence Act, 1946.

MR. OLIVER

EXPLANATORY NOTE

The provision requiring an affirmative vote before a dining lounge or lounge licence is issued in respect of an hotel, inn or tavern is extended to all municipalities.

BILL

An Act to amend The Liquor Licence Act, 1946.

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *b* of subsection 1 of section 23 of *The Liquor Licence Act, 1946*, are amended by striking out the words "situated in a municipality having a population of less than 50,000 according to the last revised assessment roll" in the tenth, eleventh and twelfth lines respectively, by inserting after the word "taken" in the thirteenth line of clause *a* the words "in the municipality where the hotel or inn is situate", and by inserting after the word "taken" in the thirteenth line of clause *b* the words "in the municipality where the tavern is situate", so that the said clauses shall now read as follows:

(a) hotels or inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to an hotel until an affirmative vote has been taken in the municipality where the hotel or inn is situate on questions *g* or *h*, as the case may be, set out in subsection 1 of section 69;

(b) taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- (i) dining lounge licence,
- (ii) dining room licence,
- (iii) lounge licence,
- (iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to a tavern until an affirmative vote has been taken in the municipality where the tavern is situate on questions *g* or *h*, as the case may be, of subsection 1 of section 69.

Short title. **2.** This Act may be cited as *The Liquor Licence Amendment Act, 1947*.

An Act to amend The Liquor Licence
Act, 1946.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. OLIVER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Extra Provincial Corporations Act.

MR. MICHENER

EXPLANATORY NOTE

The present Class 5 exempts certain corporations liable for the payment of taxes under *The Corporations Tax Act* and corporations licensed under *The Liquor Control Act* from obtaining a license under this Act. It is desirable that some of the companies presently exempted should be required to obtain an extra provincial license. Therefore Class 5 is deleted and the exemptions will be prescribed by the Lieutenant-Governor in Council.

BILL

An Act to amend The Extra Provincial Corporations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 2 of *The Extra Provincial Corporations Act* Rev. Stat., c. 252, s. 2, amended. is amended by striking out the paragraph commencing "Class 5." as amended by subsection 1 of section 13 of *The Statute Law Amendment Act, 1940*, and by adding thereto the following paragraph:

Class 7a. Corporations of a class exempted by the Lieutenant-Governor in Council.

(2) The said section 2 is further amended by adding thereto the following subsection: Rev. Stat., c. 252, s. 2, amended.

(2) The Lieutenant-Governor in Council may prescribe Exemption by Lieutenant-Governor in Council. any class or classes of extra provincial corporations which shall not be required to take out a license under this Act.

2. This Act may be cited as *The Extra Provincial Corporations Amendment Act, 1947*. Short title.

An Act to amend The Extra Provincial
Corporations Act.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. MICHENER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Extra Provincial Corporations Act.

MR. MICHENER

BILL

An Act to amend The Extra Provincial Corporations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 2 of *The Extra Provincial Corporations Act* Rev. Stat., c. 252, s. 2, amended. is amended by striking out the paragraph commencing "Class 5." as amended by subsection 1 of section 13 of *The Statute Law Amendment Act, 1940*, and by adding thereto the following paragraph:

Class 7a. Corporations of a class exempted by the Lieutenant-Governor in Council.

(2) The said section 2 is further amended by adding thereto the following subsection: Rev. Stat., c. 252, s. 2, amended.

(2) The Lieutenant-Governor in Council may prescribe any class or classes of extra provincial corporations which shall not be required to take out a license under this Act. Exemption by Lieutenant-Governor in Council.

2. This Act may be cited as *The Extra Provincial Corporations Amendment Act, 1947*. Short title.

An Act to amend The Extra Provincial
Corporations Act.

1st Reading

March 19th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. MICHENER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Marriage Act.

MR. MICHENER

EXPLANATORY NOTES

SECTION 1. This amendment is necessary in order to accord with the change in title of the Deputy Minister.

SECTION 2. The only change in principle is that the information contained in Form 4 is now to be sent to the Provincial Secretary instead of to the Registrar-General. This information has in practice been checked by the Provincial Secretary's Department with a view to advising the issuer before the marriage is solemnized if the license has been wrongfully issued.

BILL

An Act to amend The Marriage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Marriage Act* is amended by striking out the word "Assistant" where it occurs in the third and seventh lines respectively and inserting in lieu thereof the word "Deputy", so that the said section shall now read as follows:

Rev. Stat.,
c. 207, s. 9,
amended.
9. Every license under the hand and seal of the Lieutenant-Governor or his deputy, and every certificate signed by the Provincial Secretary or Deputy Provincial Secretary, for the purpose of the solemnization of a marriage, shall be and remain valid notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary or the Deputy Provincial Secretary has ceased to hold office before the time of the issue of the license or certificate.

Validity of
licenses and
certificates.
2. Section 25 of *The Marriage Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 207, s. 25,
re-enacted.
25. Every issuer of marriage licenses shall, immediately upon issuing a marriage license or certificate,—

Material to
be for-
warded,—

 - (a) complete a form giving such of the particulars contained in Form 4 as he is able to give, and forward it to the Provincial Secretary;

to Provincial
Secretary;
 - (b) forward the consent verified by affidavit and any other evidence obtained pursuant to the provisions of section 17 and the birth certificate or affidavit required by subsection 5 of section 22, and any further evidence obtained under the provisions of section 24, to the Registrar-General.

to Registrar-
General.
3. This Act shall come into force on the 1st day of June, 1947.

Commence-
ment of Act.
4. This Act may be cited as *The Marriage Amendment Act, 1947*.

Short title.

An Act to amend The Marriage Act.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. MICENER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Marriage Act.

MR. MICHENER

BILL

An Act to amend The Marriage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Marriage Act* is amended by striking out the word "Assistant" where it occurs in the third and seventh lines respectively and inserting in lieu thereof the word "Deputy", so that the said section shall now read as follows:

9. Every license under the hand and seal of the Lieutenant-Governor or his deputy, and every certificate signed by the Provincial Secretary or Deputy Provincial Secretary, for the purpose of the solemnization of a marriage, shall be and remain valid notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary or the Deputy Provincial Secretary has ceased to hold office before the time of the issue of the license or certificate.

2. Section 25 of *The Marriage Act* is repealed and the following substituted therefor:

25. Every issuer of marriage licenses shall, immediately upon issuing a marriage license or certificate,—
- (a) complete a form giving such of the particulars contained in Form 4 as he is able to give, and forward it to the Provincial Secretary;
 - (b) forward the consent verified by affidavit and any other evidence obtained pursuant to the provisions of section 17 and the birth certificate or affidavit required by subsection 5 of section 22, and any further evidence obtained under the provisions of section 24, to the Registrar-General.

3. This Act shall come into force on the 1st day of June, 1947.

4. This Act may be cited as *The Marriage Amendment Act, 1947*.

An Act to amend The Marriage Act.

1st Reading

March 19th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. MICHENER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

**An Act to amend The Ontario Northland Transportation Commission
Act:**

MR. MICHENER

EXPLANATORY NOTES

SECTION 1. The revision of clause *f* authorizes the Commission to provide services as well as undertakings for the purposes and in the part of Ontario indicated. The effect of clause *g* is to authorize the Commission to make contributions for the purposes indicated therein.

SECTION 2. The power of the Commission to borrow is expressed in more general terms. It remains subject to the approval of the Lieutenant-Governor in Council.

BILL

An Act to amend The Ontario Northland Transportation Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause f of subsection 2 of section 6 of *The Ontario Northland Transportation Commission Act*, as enacted by section 6 of *The Ontario Northland Transportation Commission Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 55, s. 6,
subs. 2, cl f,
(1946,
c. 67, s. 6),
re-enacted.

(f) purchase or otherwise acquire, construct, complete, equip, maintain or operate such undertakings and provide such services in that part of Ontario which is served by the Commission, as the Commission may deem to be for the benefit of travellers therein or residents thereof;

(g) make financial contributions to or for undertakings or services which are maintained or provided in that part of Ontario which is served by the Commission for the benefit of travellers therein or residents thereof.

2. Subsection 1 of section 31 of *The Ontario Northland Transportation Commission Act* is amended by striking out the words "for the construction of its railway or the railway of the Nipissing Central Railway Company and the purchase of rolling stock and other equipment therefor, and for the purchase of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor, and for the maintenance thereof" in the third to eighth lines and inserting in lieu thereof the words "for carrying out its purposes", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 55, s. 31,
subs. 1,
amended.

(1) Subject to the approval of the Lieutenant-Governor in Council the Commission may borrow money from time to time for carrying out its purposes, and may

Commission
authorized
to issue
bonds, etc.

issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed and such securities may be charged upon and secured by the property, assets, rights, rents and revenues of the Commission present or future therein described and may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may deem proper.

Rev. Stat.,
c. 55, s. 34,
subs. 1,
re-enacted.

3. Subsection 1 of section 34 of *The Ontario Northland Transportation Commission Act* is repealed and the following substituted therefor:

Application
of revenue.

- (1) The revenues and receipts of the Commission shall be applied to the payment of all costs, liabilities, obligations and expenditures properly incurred or made and all surpluses shall be paid into the Consolidated Revenue Fund at such times and in such amounts as the Lieutenant-Governor in Council may direct.

Sinking
fund.

- (1a) The Commission may provide a sinking fund for the purpose of the redemption of any securities issued by the Commission.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of June, 1947.

Short title.

5. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1947*.

SECTION 3. The detailed provisions governing the application of revenues and expenditures of the Commission are replaced by these general provisions. No change in principle is involved.

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An Act to amend The Ontario Northland
Transportation Commission Act.

1st Reading

March 19th, 1947

2nd Reading

3rd Reading

MR. MICHENER

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

**An Act to amend The Ontario Northland Transportation Commission
Act.**

MR. MICHENER

BILL

An Act to amend The Ontario Northland Transportation Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 2 of section 6 of *The Ontario Northland Transportation Commission Act*, as enacted by section 6 of *The Ontario Northland Transportation Commission Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 55, s. 6, subs. 2, cl. *f*, (1946, c. 67, s. 6), re-enacted.

(*f*) purchase or otherwise acquire, construct, complete, equip, maintain or operate such undertakings and provide such services in that part of Ontario which is served by the Commission, as the Commission may deem to be for the benefit of travellers therein or residents thereof;

(*g*) make financial contributions to or for undertakings or services which are maintained or provided in that part of Ontario which is served by the Commission for the benefit of travellers therein or residents thereof.

2. Subsection 1 of section 31 of *The Ontario Northland Transportation Commission Act* is amended by striking out the words "for the construction of its railway or the railway of the Nipissing Central Railway Company and the purchase of rolling stock and other equipment therefor, and for the purchase of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor, and for the maintenance thereof" in the third to eighth lines and inserting in lieu thereof the words "for carrying out its purposes", so that the said subsection shall now read as follows: Rev. Stat., c. 55, s. 31, subs. 1, amended.

(1) Subject to the approval of the Lieutenant-Governor in Council the Commission may borrow money from time to time for carrying out its purposes, and may Commission authorized to issue bonds, etc.

issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed and such securities may be charged upon and secured by the property, assets, rights, rents and revenues of the Commission present or future therein described and may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may deem proper.

Rev. Stat.,
c. 55, s. 34,
subs. 1,
re-enacted.

3. Subsection 1 of section 34 of *The Ontario Northland Transportation Commission Act* is repealed and the following substituted therefor:

Application
of revenue.

- (1) The revenues and receipts of the Commission shall be applied to the payment of all costs, liabilities, obligations and expenditures properly incurred or made and all surpluses shall be paid into the Consolidated Revenue Fund at such times and in such amounts as the Lieutenant-Governor in Council may direct.

Sinking
fund.

- (1a) The Commission may provide a sinking fund for the purpose of the redemption of any securities issued by the Commission.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of June, 1947.

Short title.

5. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1947*.

An Act to amend The Ontario Northland
Transportation Commission Act.

1st Reading

March 19th, 1947

2nd Reading

March 21st, 1947

3rd Reading

March 28th, 1947

MR. MICHENER

No. 90

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Hours of Work and Vacations with
Pay Act, 1944.

MR. DALEY

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The requirement for a week's vacation with pay is clarified by providing that the employer may, within certain limitations, determine the time within which the employee shall take the vacation which the Act requires him to receive, and by prescribing the minimum amount of pay which he shall receive in respect of the vacation period.

SECTION 2. The provision authorizing regulations to be made providing for the payment of salary in lieu of holidays in the event of an employee ceasing to be employed, is reduced to a percentage basis and is expanded to cover all situations.

Provision is also made for the issuing of vacation-with-pay credit stamps so as to provide vacation pay for employees engaged in an industry where they are accustomed to change employers from time to time.

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Hours of Work and Vacations with Pay Act, 1944*, is amended by adding thereto the following sub-sections: 1944, c. 26, s. 2, amended.

(3) The employer may determine the period when each employee may take the vacation provided for in subsection 2 but such period shall not be later than ten months after the conclusion of the working year. Employer may determine period of vacation.

(4) The amount of pay for each week's vacation given to an employee under subsection 2 shall not be less than an amount equal to two per centum of the pay received by the employee for all work done by him in the working year. Amount of pay for vacation.

2. Clause *dd* of section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, as enacted by section 1 of *The Hours of Work and Vacations with Pay Amendment Act, 1946*, is repealed and the following substituted therefor: 1944, c. 26, s. 10, cl. dd (1946, C.40, s.1), re-enacted.

(*dd*) providing, in lieu of a vacation with pay, for the payment to an employee who has ceased to be employed by an employer, of an amount equal to two per centum of his total earnings for the period in respect of which he is entitled to a vacation with pay, and fixing the minimum periods of employment to which a regulation made under this clause shall apply;

(*ddd*) providing for a system of vacation-with-pay credit stamps for use in such industrial undertakings as may be designated and providing for the sale and redemption of such stamps.

1944, c. 26,
amended.

3. *The Hours of Work and Vacations with Pay Act, 1944*,
is amended by adding thereto the following section:

Additional
penalty..

11a.—(1) In addition to the penalty imposed on any employer for failure to grant a vacation with pay to any employee, the magistrate entering a conviction may order the employer to pay to such employee an amount equal to the pay he would have received for such vacation or the amount to which he would be entitled under the regulations.

Filing of
order.

(2) An order made under subsection 1 shall be filed in a division court where,—

(a) the conviction upon which the order is based,

(i) is not appealed from within the time prescribed therefor, or

(ii) is confirmed upon appeal; and

Rev. Stat.,
c. 107.

(b) the fee prescribed under *The Division Courts Act* is paid to the clerk of the division court,

and such order shall thereupon be of the same force and effect as a judgment in the division court.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of June, 1947.

Short title.

5. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1947*.

SECTION 3. The new section 11a is self-explanatory.

An Act to amend The Hours of Work
and Vacations with Pay Act, 1944.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. DALEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Hours of Work and Vacations with
Pay Act, 1944.

MR. DALEY

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Hours of Work and Vacations with Pay Act, 1944*, is amended by adding thereto the following sub-^{1944, c. 26, s. 2.}amended sections:

(3) The employer may determine the period when each employee may take the vacation provided for in subsection 2 but such period shall not be later than ten months after the conclusion of the working year. ^{Employer may determine period of vacation.}

(4) The amount of pay for the vacation given to an employee in respect of each working year under subsection 2 shall not be less than an amount equal to two per centum of the pay received by the employee for all work done by him in the working year. ^{Amount of pay for vacation.}

2. Clause *dd* of section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, as enacted by section 1 of *The Hours of Work and Vacations with Pay Amendment Act, 1946*, is ^{1944, c. 26, s. 10, cl. *dd* (1946, C.40, s.1),}re-enacted. repealed and the following substituted therefor:

(*dd*) providing, in lieu of a vacation with pay, for the payment to an employee who has ceased to be employed by an employer, of an amount equal to two per centum of his total earnings for the period in respect of which he is entitled to a vacation with pay, and fixing the minimum periods of employment to which a regulation made under this clause shall apply;

(*ddd*) providing for a system of vacation-with-pay credit stamps for use in such industrial undertakings as may be designated and providing for the sale and redemption of such stamps.

1944, c. 26,
amended.

3. *The Hours of Work and Vacations with Pay Act, 1944*,
is amended by adding thereto the following section:

Additional
penalty.

11a.—(1) In addition to the penalty imposed on any employer for failure to grant a vacation with pay to any employee, the magistrate entering a conviction may order the employer to pay to such employee an amount equal to the pay he would have received for such vacation or the amount to which he would be entitled under the regulations.

Filing of
order.

(2) An order made under subsection 1 shall be filed in a division court where,—

(a) the conviction upon which the order is based,

(i) is not appealed from within the time prescribed therefor, or

(ii) is confirmed upon appeal; and

Rev. Stat.,
c. 107.

(b) the fee prescribed under *The Division Courts Act* is paid to the clerk of the division court,

and such order shall thereupon be of the same force and effect as a judgment in the division court.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of June, 1947.

Short title.

5. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1947*.

An Act to amend The Hours of Work
and Vacations with Pay Act, 1944.

1st Reading

March 20th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. DALEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

**An Act to provide Financial Protection for persons who have suffered
Substantial Impairment of Income owing to Illness or Unemploy-
ment or any other cause beyond their control.**

MR. GRUMMETT

EXPLANATORY NOTES

The purpose of the Bill is to permit any person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of such person, to apply to a judge for a stay of any proceedings taken against such person arising out of any obligation incurred prior to the 1st day of April, 1947.

The application may be made in respect of any court or other proceedings of any nature including proceedings by way of distress, seizure or re-possession, or in respect of taxes.

The judge hearing the application may make such order as he deems proper for a stay of the proceedings or deferring time for payment or performance of any term in any obligation.

No. 91

1947

BILL

An Act to provide Financial Protection for persons who have suffered Substantial Impairment of Income owing to Illness or Unemployment or any other cause beyond their control.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,—

Interpre-
tation,—

- (a) “dependant” shall mean any person who is dependent upon another person for his livelihood or any substantial part thereof; and ^{“dependant”;}
- (b) “substantial impairment of income” shall mean substantial impairment of income in respect of the twelve-month period immediately preceding an application under this Act as compared with the average annual income for the five years preceding the year in which the application is made. ^{“substantial impairment of income”;}

(2) An application which under this Act may be made to a judge of a county or district court shall in the Counties of York and Carleton be made to the Master and local master of the Supreme Court respectively. ^{York and Carleton.}

2. Where any proceeding is taken in any action, matter or cause brought against a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, in any court of civil jurisdiction whether before or after judgment with respect to any obligation incurred by such person or dependant prior to the 1st day of April, 1947, an application for relief may be made by or on behalf of such person or dependant to a judge of such court. ^{Application for relief.}

3. Where any extra-judicial proceeding of any nature whether by way of distress, seizure, repossession or otherwise is taken against a person who has suffered substantial impair- ^{Extra-judicial proceedings.}

ment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, to enforce payment of an amount due in respect of any personal property or to recover possession of any such property pursuant to the provisions of a conditional sale or other agreement, either oral or in writing, entered into by such person or dependant prior to the 1st day of April, 1947, an application for relief may be made by or on behalf of such person or dependant to a judge of the county or district court of the county or district in which such person or dependant ordinarily resides.

Taxes.

Rev. Stat.,
cc. 272, 59.

4. Where any proceeding under *The Assessment Act* or *The Department of Municipal Affairs Act* or any other Act by way of action, distress, sale, registration of tax arrears certificate or otherwise for the recovery of taxes levied for municipal, school or local improvement purposes including all rates, rents and other charges imposed and collected in the same manner as taxes or for the recovery of interest, penalties or costs in respect thereof is taken against a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, against property owned by any such person or dependant, an application for relief may be made by or on behalf of such person or dependant to a judge of the court in which the proceeding is taken or, where the proceeding is not in a court, to a judge of the county or district court of the county or district in which such property is situate.

**Directions
of judge.**

5.—(1) A judge to whom an application is made under this Act may give all necessary directions with regard to service of notice and other matters incidental to the application and shall have the same power of summoning any person and requiring him to give evidence on oath and to produce documents and things and of enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things as is vested in any court in civil cases.

**Interim stay
of proceed-
ings.**

(2) Upon the making of an application under this Act and the service of notice in writing thereof upon the person taking the proceedings which is the subject of the application, such proceeding shall, *ipso facto*, be stayed pending the final disposition of such application.

**Hearing of
evidence.**

6.—(1) Upon the hearing of the application the judge may hear such evidence and representations as he deems proper and may determine all questions which may arise and having regard to the position and circumstances of all the parties, any substantial impairment of income owing to illness or

unemployment or any other cause beyond his control, suffered by the applicant or the person with respect to whom the applicant is a dependant and all other relevant circumstances, may make such order as he deems proper staying such proceedings or deferring the time for making any payment or for the performance of any term, or both, either with or without determining any question of liability that may be involved, upon such terms and subject to such conditions as he may deem proper, or may dismiss the application.

(2) In any order made under this section relief may be granted for such period not exceeding one year as the judge may deem proper and a further application may be made at the termination of such period. Period of relief.

7. Any person who may be adversely affected by an order made under this Act by reason of his position as a guarantor or because of any interest which he may have in any premises or property which is the subject of the order, or by reason of any other circumstances, may apply to a judge of the court in which the order was made for relief and the provisions of sections 5, 6 and 8 shall apply *mutatis mutandis*. Relief to guarantors.

8. An application for review of any order made under section 6 or 7 may be made to a judge of the court in which the order was made by any person affected thereby and where the judge is of opinion that any of the relevant circumstances have been substantially altered he may vary such order or make such further order as he may deem proper. Review of order.

9. No costs shall be allowed and no fees payable to the Crown, whether collected by law stamps or otherwise, shall be charged or collected upon any application, order or appeal under this Act. No costs or fees.

10. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge. Powers to be additional.

11. In the calculation of time for the purposes of any provision of *The Limitations Act* or any like provision, the time during which relief is provided under this Act in respect of any relevant matter shall not run in favour of the person to whom such relief has been granted. Calculation of time. Rev. Stat., c. 118.

12. This Act shall not apply,—

Application of Act.

- (a) to any proceedings by way of foreclosure, or sale under power of sale, execution of any judgment or order of any court, distress, forfeiture, judgment or order of possession, or any other judgment or order of any court or otherwise, relating to any

mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof; or

- (b) to any proceedings or matter with respect to which an application may be made under *The Active Service Financial Protection Act, 1944*.

Municipal
tax sale not
invalidated.

13. A tax sale conducted by a municipality pursuant to the provisions of *The Assessment Act* shall not be invalidated by reason of the failure to include therein any property in respect of which an order has been made under this Act which has the effect of preventing the inclusion of such property.

Rules.

14. Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may make rules,—

- (a) prescribing the particulars and the form thereof, to be furnished by an applicant for relief under any of the provisions of this Act;
- (b) regulating the practice and procedure under this Act; and
- (c) generally for the better carrying out of the provisions of this Act.

Commence-
ment of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

16. This Act may be cited as *The Financial Protection Act, 1947*.

An Act to provide Financial Protection for persons who have suffered Substantial Impairment of Income owing to Illness or Unemployment or any other cause beyond their control.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. GRUMMETT

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to provide Relief for Persons who have suffered Substantial
Impairment of Income owing to Illness or Unemployment,
or any other cause beyond their control,
in respect of their homes.

MR. TAYLOR (*Temiskaming*)

EXPLANATORY NOTE

The purpose of the Bill is to provide relief for mortgagors and purchasers of farms and dwellings who have suffered substantial impairment of income owing to illness or unemployment or any other cause beyond their control, or a dependant of such persons. Any such person may make an application to a judge for stay of proceedings taken under a mortgage or agreement to purchase upon such terms as the judge may think fit.

No. 92

1947

BILL

An Act to provide Relief for Persons who have suffered Substantial Impairment of Income owing to Illness or Unemployment, or any other cause beyond their control, in respect of their homes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "action or proceeding" shall include proceedings by way of foreclosure, or sale under power of sale, execution on any judgment or order of any court, distress, forfeiture, judgment or order for possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof; "action or proceeding";
- (b) "judge" shall mean judge of the county or district court except in the Counties of York and Carleton where it shall mean Master and local master of the Supreme Court respectively; and "judge";
- (c) "substantial impairment of income" shall mean substantial impairment of income in respect of the twelve-month period immediately preceding an application under this Act as compared with the average annual income for the five years preceding the year in which the application is made. "substantial impairment of income".

2.—(1) Subject to the provisions of section 9, the provisions of this Act shall apply to a mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof, of any land or any interest therein where,— Application of Act.

- (a) the mortgagor, purchaser or any other person liable to make payments thereunder is a person who has suffered substantial impairment of income owing to

illness or unemployment or any other cause beyond his control, or a dependant of any such person, and owns and resides upon and occupies the land or premises covered by such mortgage, contract, agreement or renewal or extension thereof; and

- (b) such mortgage, contract, agreement, renewal or extension was made or entered into prior to the 1st day of April, 1947.

Idem.

(2) The provisions of this Act shall apply to,—

- (a) a one or two family dwelling house owned by a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of such person and in which he resides;
- (b) premises owned by a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, in which he carries on exclusively a retail business or a petty trade and which in addition contains one or two self-contained apartments in one of which he resides; and
- (c) farm land owned by a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, upon which he resides and which is used for general farming, dairying, fruit farming, market gardening, poultry raising or any other agricultural purpose.

Application
for stay of
proceedings.

3. In any action or proceeding,—

- (a) arising out of default in payment of principal or interest due under, or out of any other breach of, the terms of a mortgage, agreement for sale or purchase, or a renewal or extension thereof, of any land or interest therein; and
- (b) commenced or continued while the mortgagor, purchaser or other person who is a defendant is a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person,

an application may be made to the judge for a stay or postponement of the action or proceedings by such person.

4.—(1) The judge in his absolute discretion may give ^{Directions.} directions as to the service of notice of the hearing of the application upon any person whom he deems to be a proper party of the proceedings, and may adjourn the hearing for that purpose, or he may dispense with notice of the application upon any such person and proceed with the hearing.

(2) Upon service of notice of the hearing of the application hereunder upon the person who commenced or continued the action or proceedings, the action or proceeding shall *ipso facto* be stayed pending the final disposition of such application. ^{Stay of proceedings.}

5.—(1) Upon the hearing of the application if the judge ^{Order of judge.} is of opinion that the applicant's inability to make such payment or perform such other terms is attributable to the fact that he is a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, he may in his absolute discretion make such order as he deems proper, having regard to the position of all the parties, staying or postponing the action or proceeding for such time, upon such terms and conditions as he thinks fit.

(2) Without derogating from the powers vested in the judge ^{Powers of judge.} under subsection 1, the judge may,—

(a) determine,

(i) the value of the interest of the applicant in the premises in respect of which the application is made, and

(ii) the fair rental value of the premises; and

(b) order that an amount representing the fair rental value together with any other amounts paid out in respect of the premises for taxes and necessary repairs to and maintenance of the premises by the mortgagee or vendor, his assignee or personal representative shall from time to time be charged against the amount representing the value of the interest of the applicant in the premises and that the applicant shall be permitted to occupy the premises until such last-mentioned amount is thereby exhausted.

6. No costs shall be allowed by the judge on any hearing ^{No costs.} and no fees payable to the Crown, whether collected by law stamps or otherwise, shall be charged or collected upon any application under this Act.

Default of application.

7. If the terms of any order made under this Act in any action or proceeding are not complied with by the applicant, such action or other proceedings may continue and shall be deemed for all purposes other than the purposes of *The Limitations Act*, to have commenced as and from the date of the failure to comply with the terms of such order, and not from the date when the action or other proceedings were taken.

Rev. Stat., c. 118.

8. Where an action or proceeding has been taken upon a mortgage or contract to which this Act applies, upon the trial of any issue arising in the action or proceeding, the court, whether or not an application or order has been made as provided by section 4, may exercise the discretion and make the order provided for by section 5.

Power of court in action.

Not to apply to certain loans.

9. This Act shall not apply to loans made under *The Dominion Housing Act, 1935* (Canada), *The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada).

Rights of dependants.

10. Any dependant of a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control shall be entitled to the benefits accorded to a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, by this Act if the judge is of opinion that the inability of the dependant to comply with the term of a mortgage, contract or agreement for sale or purchase, or renewal or extension thereof, as the case may be, is attributable to the fact that the person upon whom he is dependant has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control.

Actions against guarantors.

11. Any action or proceeding against any person liable as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied under any mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof, of any land or any interest therein coming within the provisions of this Act shall, *ipso facto*, be stayed pending the final disposition of any application and during the period for which relief has been granted under this Act.

Review of order.

12. An order made under this Act may, if subsequent circumstances render it just so to do, be suspended, discharged, varied or altered upon application to the judge on such notice to such persons as the judge shall direct.

Powers to be additional.

13. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge.

14. An application under this Act shall be made in the ^{Place of} county or district in which the land is situate. _{application.}

15. Subject to the approval of the Lieutenant-Governor in ^{Rules.} Council the Rules Committee may make rules,—

- (a) prescribing the particulars and the form thereof, to be furnished by an applicant for relief under any of the provisions of this Act;
- (b) regulating the practice and procedure under this Act; and
- (c) generally for the better carrying out of the provisions of this Act.

16. This Act shall come into force on the day upon which it ^{Commence-} receives the Royal Assent. _{ment of Act.}

17. This Act may be cited as *The Mortgage Moratorium* ^{Short title.} Act, 1947.

An Act to provide Relief for Persons who have suffered Substantial Impairment of Income owing to Illness or Unemployment, or any other cause beyond their control, in respect of their homes.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. TAYLOR (*Teniskanning*)

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Burlington Beach Act.

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The provision repealed prohibits the incurring of debt to be provided for by the issue of debentures where the total debenture debt exceeds five per centum of the total assessed value of the real property in Burlington Beach, or where the tax rate for general and school purposes in the then current year or the last preceding year exceeded 35 mills on the dollar.

The provision is repealed as being unnecessarily restrictive. All capital commitments and issues of debentures must in any event be approved by the Ontario Municipal Board.

No. 93

1947

BILL

An Act to amend The Burlington Beach Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Burlington Beach Act* Rev. Stat.,
c. 95, s. 12,
subs. 3,
repealed.
is repealed.
2. This Act shall come into force on the 1st day of June, Commence-
ment of Act.
1947.
3. This Act may be cited as *The Burlington Beach Amend- Short title.
ment Act, 1947.*

An Act to amend The Burlington Beach
Act.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. DUNBAR

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Burlington Beach Act.

MR. DUNBAR

BILL

An Act to amend The Burlington Beach Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Burlington Beach Act* Rev. Stat.,
c. 95, s. 12,
subs. 3,
repealed.
is repealed.
2. This Act shall come into force on the 1st day of June, Commence-
ment of Act.
1947.
3. This Act may be cited as *The Burlington Beach Amend- Short title.
ment Act, 1947.*

An Act to amend The Burlington Beach
Act.

1st Reading

March 20th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. DUNBAR

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Municipal Health Services Act, 1944.

MR. HARVEY

EXPLANATORY NOTES

SECTION 1. The amendment eliminates the present requirement that every plan for municipal health services must be effected by having the municipal council involved make an agreement with the Ontario Municipal Health Services Board which would be the body actually responsible for supplying the medical and hospital services.

SECTION 2. Where a council makes its own arrangements for health services it shall pay therefor directly instead of through the Board.

SECTION 3. At present a plan must be submitted to the electors after it has been in force for three years. The amendment eliminates the compulsory nature of the provision but permits it to be so submitted.

BILL

An Act to amend The Municipal Health Services Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Health Services Act, 1944*, is amended by ^{1944, c. 41, amended.} adding thereto the following section:

4a. Notwithstanding the provisions of subsections 3 and 4 of section 4, a council which has enacted a by-law under section 2 may,—

(a) make such arrangements and enter into such agreements as it may deem necessary to carry out the plan provided for in the by-law; and

(b) pay such expenses as may be incurred in carrying out the plan out of the moneys raised under this Act.

2. Section 9 of *The Municipal Health Services Act, 1944*, ^{1944, c. 41, s. 9, amended.} is amended by inserting after the word "municipality" in the first line the words "which has entered into an agreement with the Board", so that the said section shall now read as follows:

9. A municipality which has entered into an agreement with the Board shall pay to the Board an amount ^{Amount of taxes payable to Board.} equal to the total levy made under section 6 or 7, or both, at such times as may be required by the regulations.

3. Section 14 of *The Municipal Health Services Act, 1944*, ^{1944, c. 41, s. 14, amended.} is amended by striking out the words "the first" in the first line and inserting in lieu thereof the word "any", by striking out the word "shall" in the third line and inserting in lieu thereof the word "may", and by inserting after the word "and" in the fourth line the words "where so submitted", so that the said section shall now read as follows:

Further
vote on
plan.

14. At any municipal election held after the termination of a period of three years from the date of the commencement of a plan for municipal health services, such plan may again be submitted to a vote as in section 3 provided and where so submitted shall not continue in force unless a majority of the persons voting as prescribed in section 3 are in favour thereof.

1944,
c. 41, s. 15,
subs. 3,
amended.

4. Subsection 3 of section 15 of *The Municipal Health Services Act, 1944*, is amended by striking out the word "thereupon" in the second line and inserting in lieu thereof the words "upon not less than six months notice thereof to the council the plan shall be terminated and", so that the said subsection shall now read as follows:

Termination
of plan.

- (3) The Lieutenant-Governor in Council may terminate any plan for municipal health services and upon not less than six months notice thereof to the council the plan shall be terminated and every by-law and agreement relating thereto shall be deemed to be revoked and terminated.

1944,
c. 41, s. 17,
amended.

5. Section 17 of *The Municipal Health Services Act, 1944*, is amended by adding thereto the following clause:

- (bb) providing that an agreement to be entered into between any municipality and any person for the provision of health services shall in respect of the terms of service be approved by the appropriate professional organization of which such person is a member.

Short title.

6. This Act may be cited as *The Municipal Health Services Amendment Act, 1947*.

SECTION 4. The termination of a plan by the Lieutenant-Governor in Council will not become effective for six months.

SECTION 5. The Lieutenant-Governor in Council may make regulations requiring the approval of any agreement by the appropriate professional organization.

An Act to amend The Municipal Health
Services Act, 1944.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. HARVEY

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Gasoline Tax Act.

MR. DOUCETT

EXPLANATORY NOTE

This Bill is self-explanatory.

BILL

An Act to amend The Gasoline Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Gasoline Tax Act*, as amended by section Rev. Stat., c. 32, s. 2, amended. 1 of *The Gasoline Tax Amendment Act, 1939*, is further amended by striking out the word "eight" in the third line and inserting in lieu thereof the word "eleven", so that the said section shall now read as follows:

2. Every purchaser of gasoline shall pay to the Minister Tax payable by purchaser. for the use of His Majesty in right of the Province of Ontario, a charge or tax at the rate of eleven cents per imperial gallon on all gasoline purchased or delivery of which is received by him.

2. This Act shall come into force on the 1st day of April, Commencement of Act. 1947.

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1947*. Short title.

An Act to amend The Gasoline
Tax Act.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. DOUCETT

No. 95

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Gasoline Tax Act.

MR. DOUCETT

TORONTO
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BILL

An Act to amend The Gasoline Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Gasoline Tax Act*, as amended by section 1 of *The Gasoline Tax Amendment Act, 1939*, is further amended Rev. Stat., c. 32, s. 2, amended. by striking out the word "eight" in the third line and inserting in lieu thereof the word "eleven", so that the said section shall now read as follows:
2. Every purchaser of gasoline shall pay to the Minister Tax payable by purchaser. for the use of His Majesty in right of the Province of Ontario, a charge or tax at the rate of eleven cents per imperial gallon on all gasoline purchased or delivery of which is received by him.
2. This Act shall come into force on the 1st day of April, Commencement of Act. 1947.
3. This Act may be cited as *The Gasoline Tax Amendment Act, 1947*. Short title.

An Act to amend The Gasoline
Tax Act.

1st Reading

March 20th, 1947

2nd Reading

March 28th, 1947

3rd Reading

March 31st, 1947

Mr. DOUCETT

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1. The proposed clause *a* defines the term "approved" as used throughout the Act.

SECTION 2. Subsection 4 as re-enacted, extends the effect of the subsection to payments made under *The Highway Traffic Act*, *The Gasoline Tax Act* and other Acts administered by the Minister of Highways.

SECTION 3. The amendment permits payment of subsidy up to eighty per centum of the expenditure made on a bridge or culvert on a county road.

BILL

An Act to amend, The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Highway Improvement Act* as amended by section 1 of *The Highway Improvement Amendment Act, 1944*, is further amended by relettering clause *a* as clause *aa* and adding thereto the following clause:

Rev. Stat.,
c. 56, s. 1,
amended.

(a) "Approved" shall mean approved by the Minister or of a type approved by the Minister.

"Approved",
defined.

2. Subsection 4 of section 8 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 56, s. 8,
subs. 4, re-
enacted.

(4) All payments which shall be made under this Act, *The Highway Traffic Act*, *The Gasoline Tax Act* and any other Acts administered by the Minister, except those for which an annual appropriation is made by the Legislature, shall be payable out of the Consolidated Revenue Fund and shall be chargeable to the Fund and be debited to the Highway Improvement Fund Account.

Payments
out of
Fund.

Rev. Stat.,
cc. 288, 32.

3. Subsection 2 of section 18 of *The Highway Improvement Act*, as re-enacted by section 5 of *The Highway Improvement Amendment Act, 1944*, is amended by striking out the word "seventy-five" in the seventh line and inserting in lieu thereof the word "eighty", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 56, s. 18,
subs. 2
(1944,
c. 23, s. 5),
amended.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the county treasurer out of the Fund of an amount equal to fifty per centum, or in the case of a bridge or culvert, an amount not exceeding eighty per centum, of the amount of the expenditure which

Payment to
county.

is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,
c. 56, s. 23,
subs. 2
(1944,
c. 23, s. 9),
amended.

4. Subsection 2 of section 23 of *The Highway Improvement Act*, as re-enacted by section 9 of *The Highway Improvement Amendment Act, 1944*, is amended by striking out the word "seventy-five" in the third line and inserting in lieu thereof the word "eighty", so that the said subsection shall now read as follows:

Aid to
county
bridges.

(2) The Minister may direct the payment to the corporation out of the Fund of an amount not exceeding eighty per centum of the cost of constructing, maintaining, replacing or improving any such bridge over twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister.

Rev. Stat.,
c. 56, s. 27,
subs. 3, re-
pealed.

5. Subsection 3 of section 27 of *The Highway Improvement Act* is repealed.

Rev. Stat.,
c. 56, s. 29a
(1944,
c. 23, s. 11),
repealed.

6. Section 29a of *The Highway Improvement Act*, as enacted by section 11 of *The Highway Improvement Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 56, s. 38,
subs. 1
(1944,
c. 23, s. 16),
amended.

7. Subsection 1 of section 38 of *The Highway Improvement Act*, as re-enacted by section 16 of *The Highway Improvement Amendment Act, 1944*, and amended by section 5 of *The Highway Improvement Amendment Act, 1945*, is further amended by striking out the word "seventy-five" where it occurs in the amendment of 1945 and inserting in lieu thereof the word "eighty" and by adding at the end thereof the words "or town", so that the said subsection shall now read as follows:

Commission
to direct
work on
suburban
roads.

(1) Roads designated and approved as suburban roads shall from the time of such designation and approval, be constructed, maintained and repaired under the direction of the commission, and the expenditures thereon shall be borne by the county, the city or town and the Province in the proportion of twenty-five per centum by the county, twenty-five per centum by the city or town and fifty per centum by the Province, but where expenditure is made on a bridge or culvert the Minister may direct that the Province shall bear a greater proportion, not exceeding eighty per centum thereof, in which case the balance of the expenditure shall be divided equally between the county and the city or town.

SECTION 4. The amendment permits payment of subsidy up to eighty per centum of the expenditure made on a bridge over twenty feet in span over which the council of a county has jurisdiction under or pursuant to *The Municipal Act*.

SECTION 5. The subsection repealed prevents the payment of subsidy on that portion of the cost of construction or maintenance of a county or suburban road in a township, town or incorporated village which is borne by the township, town or incorporated village under an agreement made pursuant to section 27. This has a tendency to discourage the making of contributions by these municipalities even though it might be in their own interest to do so. Therefore it is in the public interest that the restriction be removed.

SECTION 6. The section repealed provides for the payment of a rebate by a county to the urban municipalities forming part of the county for municipal purposes of a proportion of the annual county road levy, provided the urban municipality has expended an equivalent amount on its own streets. The new Part IVC, as enacted by section 9 of this Bill, provides for more generous direct aid payable out of the Highway Improvement Fund to these municipalities. The payment of rebates by counties is therefore abolished.

SECTION 7. The amendment permits payment of subsidy up to eighty per centum of the expenditure made on a bridge or culvert on a county suburban road.

SECTION 8. The proposed section confers power on a city or town in Northern Ontario to grant aid to a township towards the improvement of a township road leading or adjacent to such city or town and fixes the proportion of the cost thereof which shall be shared by the Province, the township, and the city or town respectively.

SECTION 9. The new Part IVC provides for payment of subsidies to cities, towns and villages out of the Highway Improvement Fund and is self-explanatory.

8. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat.,
c. 56,
amended.

51.—(1) The corporation of a city or town situate in a provisional judicial district, by by-law passed with the assent of at least two-thirds of the members of the council thereof, may agree with the corporation of a township situate in territory surrounding such city or town to share, as provided by subsection 2, the cost of construction, improvement, maintenance and repair of any road in such township which leads or is adjacent to such city or town or which, by reason of the existence of such city or town, is subject to extraordinary traffic. Contribu-
tion of city
or town in a
provisional
judicial
district to
improve-
ment of
township
roads.

(2) Where the cost of construction, improvement, main-tenance and repair of a road in any township is shared by a city or town under an agreement made pursuant to this section, the Minister may direct that there shall be paid to the township out of the Fund such proportion of the expenditure made on such road as is fixed under the provisions of this Part for expenditure on township roads in that township and the balance of the expenditure shall be shared equally by the township and the city or town. How cost to
be borne.

9.—(1) *The Highway Improvement Act* is amended by adding thereto the following Part: Rev. Stat.,
c. 56,
amended.

PART IVC.

ROADS IN CITIES, TOWNS AND VILLAGES.

52f. The council of every city, town and village, except a city or town situate in a county but separated therefrom for municipal purposes which does not contribute towards the construction and maintenance of suburban roads under Part III, may submit to the Minister, for approval, a by-law to provide for expenditure under this Part on the construction, improvement, maintenance and repair of the roads or streets under its jurisdiction carried out in each year. City, town
or village
may submit
expenditure
by-law,—
exception.

52g. The by-law shall provide for the estimated expenditure to be made in the calendar year and shall be submitted not later than the 28th day of February of that year, and no subsidy shall be granted to any city, town or village in respect of expenditure which has not been provided for by by-law approved by the Minister. By-law to
provide for
estimated
expenditure.

Time for
submission.
Approval.

Estimated
expenditure
for calendar
year.

52*h*. In the case of a town or village which forms part of a county for municipal purposes, the amount of the estimated expenditure for any calendar year shall not exceed a sum equal to twice the amount levied upon such town or village by the county in the previous year under the by-law mentioned in section 12 exclusive of any part thereof levied for the purpose of paying off the town's or village's share of any debenture or other debt of the county, and in all other cases the amount of the estimated expenditure for any calendar year shall not exceed a sum equal to that which would be produced from the levy by the council of the city, town or village of a rate of two mills in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for that year have been or are to be levied.

Statements
to Minister.

52*i*.—(1) Where the Minister has approved of a by-law to provide for expenditure under this Part the council of the city, town or village shall, at the close of the calendar year, and with the consent of the Minister may, at any time during the progress of the work of construction, improvement, maintenance or repair of the roads or streets under its jurisdiction, submit to the Minister,—

- (a) a detailed statement of receipts and expenditures in a form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the grant authorized by resolution of the council.

Payment of
subsidy to
city, town
or village.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the municipality out of

the Fund of an amount equal to fifty per centum of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final. Minister's decision to be final.

52j. Expenditures which shall be deemed to be properly chargeable to road improvement shall include those made for the purpose of,— Expenditures eligible for subsidy.

- (a) opening a new road or street and acquiring the necessary land therefor;
- (b) clearing a road or street of obstructions;
- (c) widening, altering or diverting a road or street;
- (d) subject to *The Public Service Works on Highways Act*, taking up, removing or changing the location of appliances or works placed on or under a road or street by an operating corporation; Rev. Stat., c. 57.
- (e) constructing and maintaining bridges, culverts or other structures other than sewers incidental to the construction of a road or street;
- (f) grading;
- (g) constructing and maintaining an approved base for the road surface including the installing and maintaining of approved under-drainage therefor other than sewers;
- (h) constructing and maintaining any approved type of road surface;
- (i) constructing and maintaining necessary curbs, gutters and catch basins;
- (j) clearing snow and applying chemicals or abrasives to icy surfaces; and
- (k) such other purposes of road improvement as the Minister may approve.

52k.—(1) Expenditures made for opening or constructing any street shall not be deemed to be properly chargeable to road improvement under this Part unless, by reason of its being or its being designed or Opening or constructing street in subdivision not eligible.

intended to be a main thoroughfare for through traffic, it is in the public interest that such street should be opened or constructed, but in no case where the land in a subdivision is being developed and sold for speculation shall the expenditure made for opening or constructing any street therein be deemed to be so chargeable.

Exception.

Case of development for speculation.

"Sub-division", defined.

- (2) In this section "subdivision" shall mean the whole or any part of an original township lot which has been subdivided into building lots.

Expenditures, how provided for.

- 52l. No expenditures except those which are provided for entirely by the aid which may be granted under this Part and out of funds raised by a general rate levied upon all the rateable property in the municipality, or by the issue of debentures to be retired by a general rate so levied shall be included in the statement submitted under section 52i except with the consent of the Minister.

King's Highway extension or connecting link.

- 52m. In the case of a city or separated town, the Minister may require that of the expenditure which shall be made under this Part so much as is necessary shall be made on the construction, improvement, maintenance and repair of the roads or streets which he may designate as extensions or connecting links of the King's Highway.

County road extension or connecting link.

- 52n. In the case of a town or village forming part of a county for municipal purposes, the Minister may require that of the expenditure which shall be made under this Part so much as is necessary shall be made on the maintenance of any county road extension or connecting link in such town or village.

Submission of by-law under s. 52f.

- (2) A by-law passed in 1947 under section 52f of *The Highway Improvement Act*, as enacted by this section, may be submitted not later than the 31st day of May or such later date as the Minister of Highways may, in each case, approve, notwithstanding the provisions of section 52g of the said Act.

Commencement of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

11. This Act may be cited as *The Highway Improvement Amendment Act, 1947*.

BILL

An Act to amend The Highway
Improvement Act.

1st Reading

March 20th, 1947

2nd Reading

3rd Reading

MR. DOUCETT

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

No. 96

1947

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Highway Improvement Act* as amended Rev. Stat., c. 56, s. 1, amended. by section 1 of *The Highway Improvement Amendment Act, 1944*, is further amended by relettering clause *a* as clause *aa* and adding thereto the following clause:

(a) "Approved" shall mean approved by the Minister or "Approved" defined. of a type approved by the Minister.

2. Subsection 4 of section 8 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 56, s. 8, subs. 4, re-enacted.

(4) All payments which shall be made under this Act, Payments out of Fund. *The Highway Traffic Act, The Gasoline Tax Act* and any other Acts administered by the Minister, except those for which an annual appropriation is made by Rev. Stat., c. 288, 32. the Legislature, shall be payable out of the Consolidated Revenue Fund and shall be chargeable to the Fund and be debited to the Highway Improvement Fund Account.

3. Subsection 2 of section 18 of *The Highway Improvement Act*, as re-enacted by section 5 of *The Highway Improvement Amendment Act, 1944*, is amended by striking out the word "seventy-five" in the seventh line and inserting in lieu thereof the word "eighty", so that the said subsection shall now read as follows: Rev. Stat., c. 56, s. 18, subs. 2 (1944, c. 23, s. 5), amended.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the county treasurer out of the Fund of an amount equal to fifty per centum, or in the case of a bridge or culvert, an amount not exceeding eighty per centum, of the amount of the expenditure which Payment to county.

is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,
c. 56, s. 23,
subs. 2
(1944,
c. 23, s. 9),
amended.

4. Subsection 2 of section 23 of *The Highway Improvement Act*, as re-enacted by section 9 of *The Highway Improvement Amendment Act, 1944*, is amended by striking out the word "seventy-five" in the third line and inserting in lieu thereof the word "eighty", so that the said subsection shall now read as follows:

Aid to
county
bridges.

(2) The Minister may direct the payment to the corporation out of the Fund of an amount not exceeding eighty per centum of the cost of constructing, maintaining, replacing or improving any such bridge over twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister.

Rev. Stat.,
c. 56, s. 27,
subs. 3, re-
pealed.

5. Subsection 3 of section 27 of *The Highway Improvement Act* is repealed.

Rev. Stat.,
c. 56, s. 29a
(1944,
c. 23, s. 11),
repealed.

6. Section 29a of *The Highway Improvement Act*, as enacted by section 11 of *The Highway Improvement Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 56, s. 38,
subs. 1
(1944,
c. 23, s. 16),
amended.

7. Subsection 1 of section 38 of *The Highway Improvement Act*, as re-enacted by section 16 of *The Highway Improvement Amendment Act, 1944*, and amended by section 5 of *The Highway Improvement Amendment Act, 1945*, is further amended by striking out the word "seventy-five" where it occurs in the amendment of 1945 and inserting in lieu thereof the word "eighty" and by adding at the end thereof the words "or town", so that the said subsection shall now read as follows:

Commission
to direct
work on
suburban
roads.

(1) Roads designated and approved as suburban roads shall from the time of such designation and approval, be constructed, maintained and repaired under the direction of the commission, and the expenditures thereon shall be borne by the county, the city or town and the Province in the proportion of twenty-five per centum by the county, twenty-five per centum by the city or town and fifty per centum by the Province, but where expenditure is made on a bridge or culvert the Minister may direct that the Province shall bear a greater proportion, not exceeding eighty per centum thereof, in which case the balance of the expenditure shall be divided equally between the county and the city or town.

8. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat.,
c. 56,
amended.

51.—(1) The corporation of a city or town situate in a provisional judicial district, by by-law passed with the assent of at least two-thirds of the members of the council thereof, may agree with the corporation of a township situate in territory surrounding such city or town to share, as provided by subsection 2, the cost of construction, improvement, maintenance and repair of any road in such township which leads or is adjacent to such city or town or which, by reason of the existence of such city or town, is subject to extraordinary traffic. Contribution of city or town in a provisional judicial district to improvement of township roads.

(2) Where the cost of construction, improvement, maintenance and repair of a road in any township is shared by a city or town under an agreement made pursuant to this section, the Minister may direct that there shall be paid to the township out of the Fund such proportion of the expenditure made on such road as is fixed under the provisions of this Part for expenditure on township roads in that township and the balance of the expenditure shall be shared equally by the township and the city or town. How cost to be borne.

9.—(1) *The Highway Improvement Act* is amended by adding thereto the following Part: Rev. Stat.,
c. 56,
amended.

PART IVC.

ROADS IN CITIES, TOWNS AND VILLAGES.

52f. The council of every city, town and village, except a city or town situate in a county but separated therefrom for municipal purposes which does not contribute towards the construction and maintenance of suburban roads under Part III, may submit to the Minister, for approval, a by-law to provide for expenditure under this Part on the construction, improvement, maintenance and repair of the roads or streets under its jurisdiction carried out in each year. City, town or village may submit expenditure by-law.—exception.

52g. The by-law shall provide for the estimated expenditure to be made in the calendar year and shall be submitted not later than the 28th day of February of that year, and no subsidy shall be granted to any city, town or village in respect of expenditure which has not been provided for by by-law approved by the Minister. By-law to provide for estimated expenditure.
Time for submission.
Approval.

Estimated
expenditure
for calendar
year.

52h. In the case of a town or village which forms part of a county for municipal purposes, the amount of the estimated expenditure for any calendar year provided for in a by-law passed under this Part shall not exceed a sum equal to twice the amount levied upon such town or village by the county in the previous year under the by-law mentioned in section 12 exclusive of any part thereof levied for the purpose of paying off the town's or village's share of any debenture or other debt of the county, and in all other cases the amount of the estimated expenditure for any calendar year shall not exceed a sum equal to that which would be produced from the levy by the council of the city, town or village of a rate of two mills in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for that year have been or are to be levied.

Statements
to Minister.

52i.—(1) Where the Minister has approved of a by-law to provide for expenditure under this Part the council of the city, town or village shall, at the close of the calendar year, and with the consent of the Minister may, at any time during the progress of the work of construction, improvement, maintenance or repair of the roads or streets under its jurisdiction, submit to the Minister,—

- (a) a detailed statement of receipts and expenditures in a form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the grant authorized by resolution of the council.

Payment of
subsidy to
city, town
or village.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the municipality out of

the Fund of an amount equal to fifty per centum of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final. Minister's decision to be final.

52j. Expenditures which shall be deemed to be properly chargeable to road improvement shall include those made for the purpose of,— Expenditures eligible for subsidy.

- (a) opening a new road or street and acquiring the necessary land therefor;
- (b) clearing a road or street of obstructions;
- (c) widening, altering or diverting a road or street;
- (d) subject to *The Public Service Works on Highways Act*, taking up, removing or changing the location of appliances or works placed on or under a road or street by an operating corporation; Rev. Stat., c. 57.
- (e) constructing and maintaining bridges, culverts or other structures other than sewers incidental to the construction of a road or street;
- (f) grading;
- (g) constructing and maintaining an approved base for the road surface including the installing and maintaining of approved under-drainage therefor other than sewers;
- (h) constructing and maintaining any approved type of road surface;
- (i) constructing and maintaining necessary curbs, gutters and catch basins;
- (j) clearing snow and applying chemicals or abrasives to icy surfaces; and
- (k) such other purposes of road improvement as the Minister may approve.

52k.—(1) Expenditures made for opening or constructing any street shall not be deemed to be properly chargeable to road improvement under this Part unless, by reason of its being or its being designed or Opening or constructing street in subdivision not eligible.

Exception.

Case of
development
for specu-
lation.

"Sub-
division",
defined.

Expendi-
tures,—
how pro-
vided for.

King's
Highway
extension or
connecting
link.

County road
extension or
connecting
link.

Submission
of by-law
under s. 52f.

Commence-
ment of Act.

Short title.

intended to be a main thoroughfare for through traffic, it is in the public interest that such street should be opened or constructed, but in no case where the land in a subdivision is being developed and sold for speculation shall the expenditure made for opening or constructing any street therein be deemed to be so chargeable.

- (2) In this section "subdivision" shall mean the whole or any part of an original township lot which has been subdivided into building lots.

52l. No expenditures except those which are provided for entirely by the aid which may be granted under this Part and out of funds raised by a general rate levied upon all the rateable property in the municipality, or by the issue of debentures to be retired by a general rate so levied shall be included in the statement submitted under section 52i except with the consent of the Minister.

52m. In the case of a city or separated town, the Minister may require that of the expenditure which shall be made under this Part so much as is necessary shall be made on the construction, improvement, maintenance and repair of the roads or streets which he may designate as extensions or connecting links of the King's Highway.

52n. In the case of a town or village forming part of a county for municipal purposes, the Minister may require that of the expenditure which shall be made under this Part so much as is necessary shall be made on the maintenance of any county road extension or connecting link in such town or village.

(2) A by-law passed in 1947 under section 52f of *The Highway Improvement Act*, as enacted by this section, may be submitted not later than the 31st day of May or such later date as the Minister of Highways may, in each case, approve, notwithstanding the provisions of section 52g of the said Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

11. This Act may be cited as *The Highway Improvement Amendment Act, 1947*.

An Act to amend The Highway
Improvement Act.

1st Reading

March 20th, 1947

2nd Reading

March 24th, 1947

3rd Reading

March 31st, 1947

MR. DOUGETT

No. 97

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Marriage Act.

MR. ROBERTSON

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of the Act is to require both parties to an intended marriage to have a blood test taken in order to determine the presence of syphilis and the result of the tests made with respect to each of the parties must be made known to both of them.

No. 97

1947

BILL

An Act to amend The Marriage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Marriage Act* is amended by adding thereto the following section: Rev. Stat.,
c. 207,
amended.

22a.—(1) No marriage license or certificate in lieu of Blood test
before
marriage. marriage license shall be issued and no marriage shall be solemnized under the authority of any proclamation of intention to intermarry unless the persons intending to intermarry have produced a certificate in respect to each such person certifying,—

(a) that a specimen of blood taken from such person not more than twenty days before,

(i) the issue of the license or certificate; or

(ii) the solemnization of the marriage where the intention of the persons to marry has been published as provided by subsection 2 of section 4,

and has been submitted to a standard laboratory test for syphilis in a laboratory approved by the Minister of Health; and

(b) that the result of such test as indicated in a certificate signed or purporting to be signed by the director of such laboratory has been made known to both parties to the intended marriage.

(2) Any person who violates any of the provisions of this section shall on summary conviction be liable to a penalty of not less than \$20 and not more than \$100. Penalty.

Exception in
case of
extreme
urgency.

- (3) Notwithstanding the provisions of subsection 1, the Provincial Secretary in a case of extreme emergency where,—

(a) the approval in writing of the Minister of Health has been secured; and

(b) each of the parties to the intended marriage has submitted a statutory declaration that to the best of his knowledge and belief he is free from syphilis,

may authorize the issuance of a marriage certificate.

Rev. Stat.,
c. 207, s. 25,
amended.

2. Section 25 of *The Marriage Act* is amended by inserting after the figures "22" in the seventh line the words, figures and letter "the certificates required by section 22a", so that the said section shall now read as follows:

Particulars
to be sent
to Registrar-
General.

25. Every issuer of marriage licenses shall, immediately upon issuing a marriage license or certificate, fill up on a form such of the particulars contained in Form 4 as he is able to give, and shall forward the same, together with the consent verified by affidavit and any other evidence obtained pursuant to the provisions of section 17 and the birth certificate or affidavit required by subsection 5 of section 22, the certificates required by section 22a, and any further evidence obtained under the provisions of section 24, forthwith to the Registrar-General.

Rev. Stat.,
c. 207, s. 34,
subs. 1,
amended.

3.—(1) Subsection 1 of section 34 of *The Marriage Act* is amended by inserting after the word and figure "Form 4" in the fourth line the words, figures and letter "or in any certificate required by section 22a", so that the said subsection shall now read as follows:

Penalty for
making false
statement.

- (1). Any person who knowingly makes any false statement of fact in any affidavit made under the provisions of this Act or in or touching the particulars mentioned in Form 4 or in any certificate required by section 22a, in addition to any other penalty or punishment which he may be liable to incur, shall, on summary conviction, be liable to a penalty of not less than \$20 and not more than \$200.

Rev. Stat.,
c. 207, s. 34,
amended.

- (2) The said section 34 is further amended by adding thereto the following subsection:

- (1a) Any person who impersonates any other person for the purposes of obtaining a certificate required by section 22a shall on summary conviction be liable to a penalty of not less than \$20 and not more than \$100. ^{Penalty for impersonation.}

4. This Act may be cited as *The Marriage Amendment Act*, ^{Short title.}
1947.

An Act to amend The Marriage Act.

1st Reading

March 21st, 1947

2nd Reading

3rd Reading

MR. ROBERTSON

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Milk Control Act.

MR. ANDERSON

EXPLANATORY NOTES

SECTION 1. Exempts producer's co-operatives from prohibition against inducing producers to invest money in a dairy.

SECTION 2. Provides that co-operative dairies may pay patronage dividends.

No. 98

1947

BILL

An Act to amend The Milk Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 4 of *The Milk Control Act* is amended by adding at the end thereof the words "but any such prohibition shall not apply to co-operative corporations of milk producers incorporated under Part XII of *The Companies Act*", so that the said clause shall now read as follows:

Rev. Stat.,
c. 76, s. 4,
subs. 1, cl. *d*,
amended.

(*d*) to prohibit milk distributors compelling or inducing producers to invest money either directly or indirectly in a dairy plant or other equipment in order that such producers may obtain or retain a market for their milk, but any such prohibition shall not apply to co-operative corporations of milk producers incorporated under Part XII of *The Companies Act*.

Rev. Stat.,
c. 251.

2. Section 11 of *The Milk Control Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 76, s. 11,
amended.

(2) This section shall not apply to co-operative corporations incorporated under Part XII of *The Companies Act*.

Exception.

3. This Act may be cited as *The Milk Control Amendment Act, 1947*.

Short title.

An Act to amend The Milk Control Act.

1st Reading

March 21st, 1947

2nd Reading

3rd Reading

MR. ANDERSON

BILL

Bill to amend The Milk Control Act

Bill to amend The Milk Control Act

Bill to amend The Milk Control Act

Bill to amend The Milk Control Act

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Bill to amend The Milk Control Act

Bill to amend The Milk Control Act

Bill to amend The Milk Control Act

Bill to amend The Milk Control Act

No. 99

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

MR. ROBERTSON

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The persons indicated in clauses *a*, *b* and *c* will hereafter be required to report the names and addresses of infected persons to the local medical officer of health as well as reporting all cases to the Minister of Health.

No. 99

1947

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Venereal Diseases Prevention Act, 1942*, is amended by adding at the end thereof the words "and to report to the local medical officer of health the name and address of every case of venereal disease coming under his diagnosis, care or charge for the first time", so that the said subsection shall now read as follows:

(1) It shall be the duty of,—

Duty to
report.

- (a) every physician;
- (b) every superintendent or head of a hospital, sanatorium or laboratory; and
- (c) every person in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, school or college, industrial, female or other refuge, or other similar institution,

to report to the Minister every case of venereal disease coming under his diagnosis, treatment, care or charge for the first time and to report to the local medical officer of health the name and address of every case of venereal disease coming under his diagnosis, care or charge for the first time.

(2) Subsection 2 of the said section 3 is amended by inserting after the word "Minister" in the second line the words "and the local medical officer of health", so that the said subsection shall now read as follows:

- (2) The report in the prescribed form shall be completed and forwarded to the Minister and the local medical officer of health within twenty-four hours after the

Duty to
report
within
twenty-four
hours.

first diagnosis, treatment or knowledge by or of such physician, head or other person.

1942, c. 38,
amended.

2. *The Venereal Diseases Prevention Act, 1942*, is amended by adding thereto the following section:

Examina-
tion during
pregnancy.

3a. Every physician shall examine every pregnant woman coming under his care to determine whether or not she is infected with venereal disease.

1942,
c. 38, s. 4,
amended.

3. Section 4 of *The Venereal Diseases Prevention Act, 1942*, is amended by adding thereto the following subsection:

Disclosing
source of
contact.

(7) A medical officer of health may require a person whom he believes may be infected with venereal disease to disclose, under oath, the name and address of the persons from whom the disease may have been contracted and the name and address of any person to whom the disease may have been transmitted and for the purposes of this subsection the medical officer of health may administer an oath.

1942,
c. 38, s. 6,
subs. 1,
re-enacted;
subs. 2,
repealed.

4. Subsections 1 and 2 of section 6 of *The Venereal Diseases Prevention Act, 1942*, are repealed and the following substituted therefor:

Examina-
tion by
physician
in charge of
institution.

(1) Every physician in medical charge of any gaol, lock-up, reformatory, industrial farm, training school or industrial, female or other refuge shall cause every person under his charge to undergo such examination as may be necessary to ascertain whether or not he is infected with venereal disease or to ascertain the extent of venereal disease infection and if such examination discloses that he is so infected such physician shall report the facts to the medical officer of health within twenty-four hours who may thereupon exercise the powers vested in him by section 8.

1942,
c. 38, s. 14,
amended.

5. Section 14 of *The Venereal Diseases Prevention Act, 1942*, is amended by adding thereto the following subsection:

Copy of
report to
m.o.h.

(2) Where a laboratory test made in a laboratory approved by the Minister of the blood of a person, indicates the presence of venereal disease, the director of the laboratory shall send to the local medical officer of health a copy of the report sent to the physician who submitted the blood sample for examination.

SECTION 2. Every pregnant woman must be examined for **venereal** disease.

SECTION 3. A person believed by a medical officer of health to be infected with venereal disease must disclose, under oath, the names and addresses of persons from whom the disease may have been contracted and to whom it may have been transmitted.

SECTION 4. Physicians in medical charge of the institutions indicated will hereafter be required to cause every person to be examined for venereal disease infection.

SECTION 5. Where a blood test made in a laboratory approved by the Minister discloses the presence of venereal disease, a copy of the report shall be sent to the local medical officer of health.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. <sup>Commence-
ment of Act.</sup>

7. This Act shall be cited as *The Venereal Diseases Prevention Amendment Act, 1947*. ^{Short title.}

An Act to amend The Venereal Diseases
Prevention Act, 1942.

1st Reading

March 21st, 1947

2nd Reading

3rd Reading

MR. ROBERTSON

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Collection Agencies Act, 1947.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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EXPLANATORY NOTE

This Bill is a revision of the present Act and the only changes in principle are in regard to the bonding and appeal provisions. These are brought into line with the provisions of *The Securities Act, 1945*, and *The Real Estate and Business Brokers Act, 1946*. The fees are now left to the regulations.

BILL

The Collection Agencies Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "collection agency" shall mean a person, other than a collector, who carries on the business of collecting debts for other persons in consideration of the payment of a commission or other remuneration, and shall include a person who takes an assignment of debts in consideration of such payment; 1939, c. 7, s. 1, cl. *a*, amended.
- (b) "collector" shall mean a person employed, appointed or authorized by any collection agency to solicit business or collect debts for such agency; 1939, c. 7, s. 1, cl. *b*.
- (c) "licence" shall mean licence issued under this Act; "licence"; *New*.
- (d) "prescribed" shall mean prescribed by this Act or the regulations; "pre-scribed";
- (e) "regulations" shall mean regulations made under this Act; 1939, c. 7, s. 1, cls. *d*, *e*. "regulations";
- (f) "registrar" shall mean the person designated by the Superintendent to act as registrar for the purposes of this Act and the regulations; 1939, c. 7, s. 1, cl. *f*; 1946, c. 9, s. 1.
- (g) "Superintendent" shall mean the Superintendent of Insurance. 1946, c. 9, s. 2. "Superintendent";

ADMINISTRATION.

Superintendent to administer Act.

2. The Superintendent shall administer this Act and the regulations and may designate a person to act as registrar. 1939, c. 7, s. 2; 1946, c. 9, s. 1.

LICENSING.

Agency, branch office and collector to be licensed.

3. No person shall,—

- (a) carry on the business of a collection agency;
- (b) operate a branch office of a collection agency; or
- (c) carry on business as a collector,

except under a licence therefor. 1939, c. 7, s. 3, *amended*.

Application for licence as collection agency.

4.—(1) Every application for a licence as a collection agency shall be made to the registrar upon the forms provided by the registrar and shall be accompanied by,—

- (a) the prescribed fee;
- (b) copies of forms of agreement to be entered into with the collection agency by persons for whom the collection agency acts;
- (c) copies of forms and letters which the collection agency uses or proposes to use in making demands for the collection of money; and
- (d) a bond in such amount and form, subject to section 12, as may be prescribed by the regulations. 1939, c. 7, s. 5 (1); 1941, c. 12, s. 1, *amended*.

Type of bond.

(2) The bond shall be,—

Rev. Stat., c. 263.

- (a) the bond of a guarantee company approved under *The Guarantee Companies Securities Act*;
- (b) a personal bond accompanied by collateral security; or
- (c) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.

Collateral security.

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario. *New*.

5. Every application for a licence as a collector shall be made to the registrar upon the form provided by the registrar, and shall be accompanied by the prescribed fee and such other information as the registrar may require. 1939, c. 7, s. 6. Application for licence as collector.

6.—(1) The Superintendent, upon the recommendation of the registrar, may issue a licence to any person,— Licences.

- (a) to carry on business as a collection agency;
- (b) carrying on business as a collection agency, to operate a branch office thereof; or
- (c) to carry on business as a collector,

and every licence and renewal of licence shall expire on the 31st day of March in each year. 1939, c. 7, s. 6 (1); 1946, c. 9, s. 1, *amended*.

(2) Any licence issued under this Act may be renewed from year to year provided application for renewal is made in the prescribed form not later than the 21st day of March prior to the expiration of such licence or any renewal thereof, and every such application shall contain a statement of any change in the facts set out in the application for a licence or any prior application for renewal, and be accompanied by the prescribed fee. 1939, c. 7, s. 7 (2), *amended*. Renewal of licence.

(3) The Superintendent may refuse to issue or renew a licence and may suspend or cancel any licence. 1939, c. 7, s. 7 (3); 1946, c. 9, s. 1. Licence may be refused.

(4) The Treasurer of Ontario, upon the recommendation of the registrar, may refund to an applicant for a licence or renewal any fee or part thereof paid by the applicant. Refunds.

(5) The registrar may reduce the amount of any fee payable for a licence or renewal where any substantial part of the licence period or renewal period has elapsed. 1939, c. 7, s. 7 (4, 5). Reductions.

7.—(1) Every collection agency shall within ten days notify the registrar in writing of,— Changes in information filed.

- (a) any change in its address for service;
- (b) any change in its officials or members; and
- (c) the commencement and termination of employment of every collector.

(2) Every collector shall within ten days notify the registrar in writing of,— Notice as to employment.

- (a) any change in his address for service; and

- (b) the commencement and termination of his employment by a collection agency. 1939, c. 7, s. 8.

Changes in material filed.

8. In the event that any collection agency alters or changes any form of agreement or other form or letter such collection agency shall file the form or letter showing the alteration or change made therein with the registrar at least fourteen days before such form or letter is used. 1939, c. 7, s. 5 (2).

Financial statement to be filed.

9. Every collection agency shall file with the registrar with every application for a renewal of a licence, a certificate satisfactory to the Superintendent as to the financial condition of the collection agency, signed by the proprietor or an official or member of the collection agency and by an independent accountant satisfactory to the Superintendent and, in addition thereto, the Superintendent may at any time require a financial statement in any form to be furnished by the collection agency. 1939, c. 7, s. 9; 1946, c. 9, s. 1.

Disposition of fees.

10. The registrar shall cause all moneys, cheques, money orders and postal notes in respect of fees to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund. 1939, c. 7, s. 12, *amended*.

EXEMPTIONS.

Where Act not to apply.

11. This Act shall not apply to,—

(a) any barrister or solicitor or his employee, in the regular practice of his profession;

Rev. Stat., c. 256.

(b) any insurer, agent or broker or his employee, licensed under *The Insurance Act* to the extent of the business authorized by such licence;

R.S.C., c. 11.

Rev. Stat., cc. 251, 100.

R.S.C., c. 213.

(c) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-Up Act* (Canada) or any person acting under the order of any court;

1946, c. 85.

(d) any broker or salesman registered under *The Real Estate and Business Brokers Act*, 1946, or any official or other employee of such a broker to the extent of the business authorized by the registration;

1944-45, o. 30 (Dom.).

(e) any bank to which *The Bank Act* (Canada) applies, or Province of Ontario savings office, or loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or to employees thereof in the regular course of their employment; or

Rev. Stat., c. 257.

- (f) any isolated collections made by a person whose usual business is not collecting debts for other persons. 1939, c. 7, s. 4, *amended*.

FORFEITURE OF BOND.

12.—(1) Any bond mentioned in section 4 shall be forfeit^{Forfeiture of bond.} and the amount thereof shall become due and owing by the person bound thereby as a debt due His Majesty in right of Ontario where,—

- (a) the collection agency in respect of which the bond is given or any collector or official of the collection agency has, in connection with its collection business, been,

- (i) convicted of any criminal offence,
- (ii) convicted of an offence against any provision of this Act or the regulations, or
- (iii) a party to civil proceedings in the courts as a result of which judgment has been given against such collection agency, collector or other official for moneys collected for any other person,

or,

- (b) proceedings by or in respect of the collection agency, including any member of a partnership, in respect of which the bond is given, have been taken under the *Bankruptcy Act* (Canada) or by way of winding-up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made, R.S.C., c. 11.

and such conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken. 1941, c. 12, s. 3, *part, amended*.

(2) A bond may be cancelled by any person bound there-^{Cancellation of bond.} under by giving to the Superintendent at least two months' notice in writing of intention to cancel, and it shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the Superintendent.

(3) For the purposes of every act and omission occurring^{Term of bond.} during the period in which a collection agency is licensed or the period prior to cancellation of the bond under subsection 2,

every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years after the expiration or cancellation of any licence, or the cancellation of the bond, whichever occurs first. *New.*

Proceedings
to enforce
forfeiture.

13. Where His Majesty becomes a creditor of any person in respect of a debt to the Crown arising from the provisions of section 12, the Superintendent may take such proceedings as he shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be. *New.*

Sale of
collateral
security.

14. Where a bond secured by the deposit of collateral security with the Treasurer of Ontario is forfeited under section 12, the Lieutenant-Governor in Council may direct the Treasurer to sell the collateral security at the current market price. *New.*

Assignment
of bond or
payment of
moneys to
creditors.

15. The Lieutenant-Governor in Council may direct the Treasurer of Ontario,—

- (a) to assign any bond forfeited under section 12 and transfer the collateral security, if any;
- (b) to pay over any moneys recovered under such bond;
or
- (c) to pay over any moneys realized from the sale of the collateral security under section 14,

to any person, or to the Accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the collection agency bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such collection agency, as the case may be. 1941, c. 12, s. 3, *part, amended.*

Where no
claim against
proceeds
of bond.

16. Where a bond has been forfeited under section 12 by reason of a conviction or judgment under clause *a* thereof, and the Superintendent has not within two years of such conviction or judgment having become final, or of the collection agency in respect of which the bond was furnished ceasing to carry on business as such, whichever occurs first, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the collection agency, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such collection agency. *New.*

REGULATION OF COLLECTION AGENCIES.

17.—(1) Every collection agency shall without any notice or demand, within thirty days after the receipt of any moneys collected, account for all moneys so received and pay them, less the proper fees of such collection agency, to the person entitled thereto, provided that when the moneys collected are less than \$5 payment to the person entitled thereto shall be made within ninety days. Agency to account within 30 days.

(2) Every collection agency shall upon demand made by any person entitled to an accounting, or by the Superintendent account for all moneys received on behalf of such person and pay the moneys, less the proper fees of such collection agency, to such person. Agency on demand to account.

(3) Where any collection agency is unable to locate the person entitled to any moneys collected by it within six months after such moneys have been collected, the collection agency shall cause such moneys to be paid to the Treasurer of Ontario and the Treasurer of Ontario may pay any such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys. 1939, c. 7, s. 13; 1946, c. 9, s. 1. Where person entitled to money cannot be located.

18. Every collection agency shall deposit all moneys collected, less the proper earned commission of the collection agency, in a separate trust account, in a chartered bank, a Province of Ontario savings office or a trust company authorized by law to accept deposits. 1939, c. 7, s. 14. Moneys collected to be deposited.

19. Every collection agency shall keep proper records and books of account showing moneys received and moneys paid out and such books shall include a receipt book, cash book, clients' ledger and journal. 1939, c. 7, s. 15. Books of account.

20. No collection agency or collector shall,—

(a) collect or attempt to collect any moneys in addition to the amount owing by the debtor; 1939, c. 7, s. 16, cl. a. Practices prohibited.

(b) make any charge against any person for whom it acts in addition to those contained in the form of agreement or in the information pertaining to fees filed with the Superintendent; 1939, c. 7, s. 16, cl. b; 1946, c. 9, s. 1.

(c) send any telegram or make any telephone call for which the charges are payable by the addressee

or the person to whom the call is made, to a debtor for the purpose of demanding payment of any debt; 1939, c. 7, s. 16, cl. *c*; 1941, c. 12, s. 4.

- (*d*) enter into any agreement with a person for whom the collection agency acts unless a copy of the form of such agreement is filed with the registrar; or
- (*e*) use any form or letter to collect or attempt to collect money from a debtor unless a copy of such form or form of letter is filed with the registrar. 1939, c. 7, s. 16, cls. *d*, *e*.

Notice as
to moneys
collected.

21. Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment. 1939, c. 7, s. 17.

Licence
to be
displayed.

22. Every collection agency shall keep its licence and the last renewal thereof displayed in a conspicuous place at its office and shall keep every licence for a branch office together with the last renewal thereof displayed in a conspicuous place at such branch office. 1939, c. 7, s. 19.

INVESTIGATION.

Investiga-
tion by
Superinten-
dent.

23. The registrar, or such other person as may be directed in writing by the Superintendent, shall have authority at any time between nine o'clock in the forenoon and five o'clock in the afternoon to enter the premises of any collection agency and examine the books and records of such collection agency. 1939, c. 7, s. 18; 1946, c. 9, s. 1.

APPEALS.

Notice of
direction,
decision,
etc.

24. A notice of every direction, decision, order or ruling of the Superintendent granting or refusing to grant a licence or refusing to renew, suspending or cancelling a licence shall be served upon the collection agency or collector whose licence is thereby affected at the address appearing in the application or upon the records of the registrar. *New.*

Review by
Superin-
tendent.

25.—(1) An applicant, collection agency or collector whose licence is affected by a direction, decision, order or ruling referred to in section 24 may, by notice in writing served upon the registrar within thirty days after the mailing of the notice, request a hearing and review by the Superintendent of the direction, decision, order or ruling.

(2) Where a hearing and review is requested under sub-section 1 the registrar shall send a notice in writing of the time and place thereof to the person requesting the hearing and review stating the date and place thereof. Notice of hearing.

(3) Upon a review the Superintendent may hear such evidence as may be submitted to him by the person requesting the review or by any other person and which in the opinion of the Superintendent is relevant to the review but shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Superintendent shall form the record. Evidence.

(4) Upon a review the Superintendent may by order confirm or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as the Superintendent may deem proper. Power on review.

(5) Notice of the order made upon a review shall be sent forthwith to the person requesting the review. *New.* Notice of order to be sent to person requesting review.

26.—(1) Where the Superintendent has reviewed a direction, decision, order or ruling under section 25, the person who requested the review may appeal to a justice in appeal of the Supreme Court. Appeal to Supreme Court.

(2) Every appeal shall be by notice of motion served upon the registrar within thirty days after the mailing of the notice under subsection 5 of section 25 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act. Form of appeal.

(3) The registrar shall certify to the Registrar of the Supreme Court of Ontario,— Certificate of registrar.

- (a) the direction, decision, order or ruling which has been reviewed by the Superintendent;
- (b) the order of the Superintendent upon the review together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to the Superintendent or other material which in the opinion of the registrar are relevant to the appeal.

Counsel.

(4) The Attorney General may designate counsel to assist the Court upon the hearing of any appeal which is taken under this section. *New.*

Order or Court.

27. Where an appeal is taken under section 26 the Court may by its order direct the Superintendent to make such direction, decision, order or ruling or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Superintendent shall make such direction, decision, order or ruling or do such act accordingly. *New.*

Further direction, etc.

28. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Superintendent shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 24 to 27. *New.*

OFFENCES.

Penalty for employing unlicensed agency.

29. Every person who knowingly employs a collection agency not having a licence as required by this Act, or causes or procures letters or notices to be sent or verbal demands to be made upon debtors by a collection agency not having such a licence, shall be guilty of an offence and liable to a penalty of not more than \$200. 1939, c. 7, s. 21.

Penalties.

30. Every collection agency or collector who violates any of the provisions of this Act or the regulations for which no other penalty is provided or who fails or neglects to carry out any order or direction of the Superintendent made under this Act shall be guilty of an offence and liable to a penalty of not more than \$200. 1939, c. 7, s. 22; 1946, c. 9, s. 1.

Consent before action.

31. No proceedings under this Act shall be instituted except with the consent or under the direction of the Superintendent. 1939, c. 7, s. 23; 1946, c. 9, s. 1.

Application of Rev. Stat., c. 136.

32. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*. 1939, c. 7, s. 24.

REGULATIONS.

Regulations.

33. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the form of licences and renewals and applications therefor;
- (b) prescribing the fees payable for licences and renewals, and any other fees in connection with the administration of this Act and the regulations;
- (c) requiring collection agencies to make returns and furnish information to the Superintendent;
- (d) prescribing the manner of making deposits and regulating the control and disposition thereof;
- (e) governing the keeping of records, books, accounting systems and audits;
- (f) prescribing the amount and form of bonds to be furnished by collection agencies;
- (g) prescribing the classes of negotiable securities which may be accepted as collateral security for a bond;
- (h) prohibiting the use of any particular method in the collection of debts; and
- (i) generally for the better carrying out of the provisions of this Act. 1939, c. 7, s. 20; 1946, c. 9, s. 1, *amended*.

34. *The Collection Agencies Act, 1939, The Collection Agencies Amendment Act, 1941, and The Collection Agencies Amendment Act, 1946*, are repealed. Rev. Stat.,
c. 249;
1941, c. 12;
1946, c. 9,
repealed.

35. This Act may be cited as *The Collection Agencies Act*, Short title.
1947.

The Collection Agencies Act, 1947.

1st Reading

March 21st, 1947

2nd Reading

3rd Reading

MR. BLACKWELL

3RD SESSION, 22ND LEGISLATURE, ONTARIO
11 GEORGE VI, 1947

BILL

The Collection Agencies Act, 1947.

MR. BLACKWELL

BILL

The Collection Agencies Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "collection agency" shall mean a person, other than a collector, who carries on the business of collecting debts for other persons in consideration of the payment of a commission or other remuneration, and shall include a person who takes an assignment of debts in consideration of such payment; 1939, c. 7, s. 1, cl. *a*, *amended*.
"collection agency";
- (b) "collector" shall mean a person employed, appointed or authorized by any collection agency to solicit business or collect debts for such agency; 1939, c. 7, s. 1, cl. *b*.
"collector";
- (c) "licence" shall mean licence issued under this Act; *New*.
"licence";
- (d) "prescribed" shall mean prescribed by this Act or the regulations;
"pre-scribed";
- (e) "regulations" shall mean regulations made under this Act; 1939, c. 7, s. 1, cls. *d*, *e*.
"regulations";
- (f) "registrar" shall mean the person designated by the Superintendent to act as registrar for the purposes of this Act and the regulations; 1939, c. 7, s. 1, cl. *f*; 1946, c. 9, s. 1.
"registrar";
- (g) "Superintendent" shall mean the Superintendent of Insurance. 1946, c. 9, s. 2.
"Superintendent";

ADMINISTRATION.

Superintendent to administer Act.

2. The Superintendent shall administer this Act and the regulations and may designate a person to act as registrar. 1939, c. 7, s. 2; 1946, c. 9; s. 1.

LICENSING.

Agency, branch office and collector to be licensed.

3. No person shall,—

- (a) carry on the business of a collection agency;
- (b) operate a branch office of a collection agency; or
- (c) carry on business as a collector,

except under a licence therefor. 1939, c. 7, s. 3, *amended*.

Application for licence as collection agency.

4.—(1) Every application for a licence as a collection agency shall be made to the registrar upon the forms provided by the registrar and shall be accompanied by,—

- (a) the prescribed fee;
- (b) copies of forms of agreement to be entered into with the collection agency by persons for whom the collection agency acts;
- (c) copies of forms and letters which the collection agency uses or proposes to use in making demands for the collection of money; and
- (d) a bond in such amount and form, subject to section 12, as may be prescribed by the regulations. 1939, c. 7, s. 5 (1); 1941, c. 12, s. 1, *amended*.

Type of bond.

(2) The bond shall be,—

Rev. Stat., c. 263.

- (a) the bond of a guarantee company approved under *The Guarantee Companies Securities Act*;
- (b) a personal bond accompanied by collateral security; or
- (c) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.

Collateral security.

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario. *New*.

5. Every application for a licence as a collector shall be made to the registrar upon the form provided by the registrar, and shall be accompanied by the prescribed fee and such other information as the registrar may require. 1939, c. 7, s. 6. Application for licence as collector.

6.—(1) The Superintendent, upon the recommendation of the registrar, may issue a licence to any person,— Licences.

- (a) to carry on business as a collection agency;
- (b) carrying on business as a collection agency, to operate a branch office thereof; or
- (c) to carry on business as a collector,

and every licence and renewal of licence shall expire on the 31st day of March in each year. 1939, c. 7, s. 6 (1); 1946, c. 9, s. 1, *amended*.

(2) Any licence issued under this Act may be renewed from year to year provided application for renewal is made in the prescribed form not later than the 21st day of March prior to the expiration of such licence or any renewal thereof, and every such application shall contain a statement of any change in the facts set out in the application for a licence or any prior application for renewal, and be accompanied by the prescribed fee. 1939, c. 7, s. 7 (2), *amended*. Renewal of licence.

(3) The Superintendent may refuse to issue or renew a licence and may suspend or cancel any licence. 1939, c. 7, s. 7 (3); 1946, c. 9, s. 1. Licence may be refused.

(4) The Treasurer of Ontario, upon the recommendation of the registrar, may refund to an applicant for a licence or renewal any fee or part thereof paid by the applicant. Refunds.

(5) The registrar may reduce the amount of any fee payable for a licence or renewal where any substantial part of the licence period or renewal period has elapsed. 1939, c. 7, s. 7 (4, 5). Reductions.

7.—(1) Every collection agency shall within ten days notify the registrar in writing of,— Changes in information filed.

- (a) any change in its address for service;
- (b) any change in its officials or members; and
- (c) the commencement and termination of employment of every collector.

(2) Every collector shall within ten days notify the registrar in writing of,— Notice as to employment.

- (a) any change in his address for service; and

- (b) the commencement and termination of his employment by a collection agency. 1939, c. 7, s. 8.

Changes in material filed.

8. In the event that any collection agency alters or changes any form of agreement or other form or letter such collection agency shall file the form or letter showing the alteration or change made therein with the registrar at least fourteen days before such form or letter is used. 1939, c. 7, s. 5 (2).

Financial statement to be filed.

9. Every collection agency shall file with the registrar with every application for a renewal of a licence, a certificate satisfactory to the Superintendent as to the financial condition of the collection agency, signed by the proprietor or an official or member of the collection agency and by an independent accountant satisfactory to the Superintendent and, in addition thereto, the Superintendent may at any time require a financial statement in any form to be furnished by the collection agency. 1939, c. 7, s. 9; 1946, c. 9, s. 1.

Disposition of fees.

10. The registrar shall cause all moneys, cheques, money orders and postal notes in respect of fees to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund. 1939, c. 7, s. 12, *amended*.

EXEMPTIONS.

Where Act not to apply.

11. This Act shall not apply to,—

(a) any barrister or solicitor or his employee, in the regular practice of his profession;

Rev. Stat., c. 256.

(b) any insurer, agent or broker or his employee, licensed under *The Insurance Act* to the extent of the business authorized by such licence;

R.S.C., c. 11.

Rev. Stat., cc. 251, 100.

R.S.C., c. 213.

(c) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-Up Act* (Canada) or any person acting under the order of any court;

1946, c. 85.

(d) any broker or salesman registered under *The Real Estate and Business Brokers Act*, 1946, or any official or other employee of such a broker to the extent of the business authorized by the registration;

1944-45, c. 30 (Dom.).

(e) any bank to which *The Bank Act* (Canada) applies, or Province of Ontario savings office, or loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or to employees thereof in the regular course of their employment; or

Rev. Stat., c. 257.

- (f) any isolated collections made by a person whose usual business is not collecting debts for other persons. 1939, c. 7, s. 4, *amended*.

FORFEITURE OF BOND.

12.—(1) Any bond mentioned in section 4 shall be forfeit^{Forfeiture of bond.} and the amount thereof shall become due and owing by the person bound thereby as a debt due His Majesty in right of Ontario where,—

- (a) the collection agency in respect of which the bond is given or any collector or official of the collection agency has, in connection with its collection business, been,

(i) convicted of any criminal offence,

(ii) convicted of an offence against any provision of this Act or the regulations, or

(iii) a party to civil proceedings in the courts as a result of which judgment has been given against such collection agency, collector or other official for moneys collected for any other person,

or,

- (b) proceedings by or in respect of the collection agency, including any member of a partnership, in respect of which the bond is given, have been taken under the *Bankruptcy Act* (Canada) or by way of winding-up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made, ^{R.S.C., c. 11.}

and such conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken. 1941, c. 12, s. 3, *part, amended*.

(2) A bond may be cancelled by any person bound there-^{Cancellation of bond.} under by giving to the Superintendent at least two months' notice in writing of intention to cancel, and it shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the Superintendent.

(3) For the purposes of every act and omission occurring^{Term of bond.} during the period in which a collection agency is licensed or the period prior to cancellation of the bond under subsection 2,

every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years after the expiration or cancellation of any licence, or the cancellation of the bond, whichever occurs first. *New.*

Proceedings
to enforce
forfeiture.

13. Where His Majesty becomes a creditor of any person in respect of a debt to the Crown arising from the provisions of section 12, the Superintendent may take such proceedings as he shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be. *New.*

Sale of
collateral
security.

14. Where a bond secured by the deposit of collateral security with the Treasurer of Ontario is forfeited under section 12, the Lieutenant-Governor in Council may direct the Treasurer to sell the collateral security at the current market price. *New.*

Assignment
of bond or
payment of
moneys to
creditors.

15. The Lieutenant-Governor in Council may direct the Treasurer of Ontario,—

- (a) to assign any bond forfeited under section 12 and transfer the collateral security, if any;
- (b) to pay over any moneys recovered under such bond; or
- (c) to pay over any moneys realized from the sale of the collateral security under section 14,

to any person, or to the Accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the collection agency bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such collection agency, as the case may be. 1941, c. 12, s. 3, *part, amended.*

Where no
claim against
proceeds
of bond.

16. Where a bond has been forfeited under section 12 by reason of a conviction or judgment under clause *a* thereof, and the Superintendent has not within two years of such conviction or judgment having become final, or of the collection agency in respect of which the bond was furnished ceasing to carry on business as such, whichever occurs first, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the collection agency, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such collection agency. *New.*

REGULATION OF COLLECTION AGENCIES.

17.—(1) Every collection agency shall without any notice or demand, within thirty days after the receipt of any moneys collected, account for all moneys so received and pay them, less the proper fees of such collection agency, to the person entitled thereto, provided that when the moneys collected are less than \$5 payment to the person entitled thereto shall be made within ninety days. Agency to account within 30 days.

(2) Every collection agency shall upon demand made by any person entitled to an accounting, or by the Superintendent account for all moneys received on behalf of such person and pay the moneys, less the proper fees of such collection agency, to such person. Agency on demand to account.

(3) Where any collection agency is unable to locate the person entitled to any moneys collected by it within six months after such moneys have been collected, the collection agency shall cause such moneys to be paid to the Treasurer of Ontario and the Treasurer of Ontario may pay any such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys. 1939, c. 7, s. 13; 1946, c. 9, s. 1. Where person entitled to money cannot be located.

18. Every collection agency shall deposit all moneys collected, less the proper earned commission of the collection agency, in a separate trust account, in a chartered bank, a Province of Ontario savings office or a trust company authorized by law to accept deposits. 1939, c. 7, s. 14. Moneys collected to be deposited.

19. Every collection agency shall keep proper records and books of account showing moneys received and moneys paid out and such books shall include a receipt book, cash book, clients' ledger and journal. 1939, c. 7, s. 15. Books of account.

20. No collection agency or collector shall,— Practices prohibited.

(a) collect or attempt to collect any moneys in addition to the amount owing by the debtor; 1939, c. 7, s. 16, cl. a.

(b) make any charge against any person for whom it acts in addition to those contained in the form of agreement or in the information pertaining to fees filed with the Superintendent; 1939, c. 7, s. 16, cl. b; 1946, c. 9, s. 1.

(c) send any telegram or make any telephone call for which the charges are payable by the addressee

or the person to whom the call is made, to a debtor for the purpose of demanding payment of any debt; 1939, c. 7, s. 16, cl. c; 1941, c. 12, s. 4.

- (d) enter into any agreement with a person for whom the collection agency acts unless a copy of the form of such agreement is filed with the registrar; or
- (e) use any form or letter to collect or attempt to collect money from a debtor unless a copy of such form or form of letter is filed with the registrar. 1939, c. 7, s. 16, cls. d, e.

Notice as
to moneys
collected.

21. Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment. 1939, c. 7, s. 17.

Licence
to be
displayed.

22. Every collection agency shall keep its licence and the last renewal thereof displayed in a conspicuous place at its office and shall keep every licence for a branch office together with the last renewal thereof displayed in a conspicuous place at such branch office. 1939, c. 7, s. 19.

INVESTIGATION.

Investiga-
tion by
Superinten-
dent.

23. The registrar, or such other person as may be directed in writing by the Superintendent, shall have authority at any time between nine o'clock in the forenoon and five o'clock in the afternoon to enter the premises of any collection agency and examine the books and records of such collection agency. 1939, c. 7, s. 18; 1946, c. 9, s. 1.

APPEALS.

Notice of
direction,
decision,
etc.

24. A notice of every direction, decision, order or ruling of the Superintendent granting or refusing to grant a licence or refusing to renew, suspending or cancelling a licence shall be served upon the collection agency or collector whose licence is thereby affected at the address appearing in the application or upon the records of the registrar. *New.*

Review by
Superin-
tendent.

25.—(1) An applicant, collection agency or collector whose licence is affected by a direction, decision, order or ruling referred to in section 24 may, by notice in writing served upon the registrar within thirty days after the mailing of the notice, request a hearing and review by the Superintendent of the direction, decision, order or ruling.

(2) Where a hearing and review is requested under sub-section 1 the registrar shall send a notice in writing of the time and place thereof to the person requesting the hearing and review stating the date and place thereof. Notice of hearing.

(3) Upon a review the Superintendent may hear such evidence as may be submitted to him by the person requesting the review or by any other person and which in the opinion of the Superintendent is relevant to the review but shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Superintendent shall form the record. Evidence.

(4) Upon a review the Superintendent may by order confirm or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as the Superintendent may deem proper. Power on review.

(5) Notice of the order made upon a review shall be sent forthwith to the person requesting the review. *New.* Notice of order to be sent to person requesting review.

26.—(1) Where the Superintendent has reviewed a direction, decision, order or ruling under section 25, the person who requested the review may appeal to a justice in appeal of the Supreme Court. Appeal to Supreme Court.

(2) Every appeal shall be by notice of motion served upon the registrar within thirty days after the mailing of the notice under subsection 5 of section 25 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act. Form of appeal.

(3) The registrar shall certify to the Registrar of the Supreme Court of Ontario,— Certificate of registrar.

(a) the direction, decision, order or ruling which has been reviewed by the Superintendent;

(b) the order of the Superintendent upon the review together with any statement of reasons therefor;

(c) the record of the review; and

(d) all written submissions to the Superintendent or other material which in the opinion of the registrar are relevant to the appeal.

Counsel.

(4) The Attorney General may designate counsel to assist the Court upon the hearing of any appeal which is taken under this section. *New.*

Order or Court.

27. Where an appeal is taken under section 26 the Court may by its order direct the Superintendent to make such direction, decision, order or ruling or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Superintendent shall make such direction, decision, order or ruling or do such act accordingly. *New.*

Further direction, etc.

28. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Superintendent shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 24 to 27. *New.*

OFFENCES.

Penalty for employing unlicensed agency.

29. Every person who knowingly employs a collection agency not having a licence as required by this Act, or causes or procures letters or notices to be sent or verbal demands to be made upon debtors by a collection agency not having such a licence, shall be guilty of an offence and liable to a penalty of not more than \$200. 1939, c. 7, s. 21.

Penalties.

30. Every collection agency or collector who violates any of the provisions of this Act or the regulations for which no other penalty is provided or who fails or neglects to carry out any order or direction of the Superintendent made under this Act shall be guilty of an offence and liable to a penalty of not more than \$200. 1939, c. 7, s. 22; 1946, c. 9, s. 1.

Consent before action.

31. No proceedings under this Act shall be instituted except with the consent or under the direction of the Superintendent. 1939, c. 7, s. 23; 1946, c. 9, s. 1.

Application of Rev. Stat., c. 136.

32. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*. 1939, c. 7, s. 24.

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Regulations.

33. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the form of licences and renewals and applications therefor;
- (b) prescribing the fees payable for licences and renewals, and any other fees in connection with the administration of this Act and the regulations;
- (c) requiring collection agencies to make returns and furnish information to the Superintendent;
- (d) prescribing the manner of making deposits and regulating the control and disposition thereof;
- (e) governing the keeping of records, books, accounting systems and audits;
- (f) prescribing the amount and form of bonds to be furnished by collection agencies;
- (g) prescribing the classes of negotiable securities which may be accepted as collateral security for a bond;
- (h) prohibiting the use of any particular method in the collection of debts; and
- (i) generally for the better carrying out of the provisions of this Act. 1939, c. 7, s. 20; 1946, c. 9, s. 1, *amended*.

34. *The Collection Agencies Act, 1939, The Collection Agencies Amendment Act, 1941, and The Collection Agencies Amendment Act, 1946*, are repealed. Rev. Stat.,
c. 249;
1941, c. 12;
1946, c. 9,
repealed.

35. This Act may be cited as *The Collection Agencies Act*, Short title.
1947.

BILL

The Collection Agencies Act, 1947.

1st Reading

March 21st, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 1st, 1947

MR. BLACKWELL

